

SENATE BILL No. 377

DIGEST OF INTRODUCED BILL

Citations Affected: Numerous citations throughout the Indiana Code.

Synopsis: Elimination of grand juries. Abolishes the grand jury. Makes conforming amendments, and repeals superseded provisions. Makes technical corrections.

Effective: July 1, 2015.

Delph

January 12, 2015, read first time and referred to Committee on Judiciary.



First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 377

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-6-6-12 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) A county election board
3 shall remove a member of a precinct election board and declare the
4 office vacant if:
5 (1) at any time before or during an election the county election
6 board is notified by the affidavit of two (2) or more voters of the
7 precinct that the member is not qualified; and
8 (2) the board determines that the statements made in the affidavit
9 concerning the disqualification of the precinct election board
10 member are true.
11 (b) If the disqualified member has taken the oath of office required
12 by this chapter, the circuit court clerk shall attach the oath to the poll
13 list and shall ~~place~~ **transmit** the affidavit and oath ~~before the next~~
14 ~~grand jury of the county.~~ **to the prosecuting attorney.**
15 SECTION 2. IC 3-6-8-6 IS AMENDED TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2015]: Sec. 6. A watcher appointed under this



chapter shall report any violation of the election laws that comes to the watcher's attention to the ~~county grand jury~~ or prosecuting attorney.

SECTION 3. IC 3-10-1-31.1, AS AMENDED BY P.L.64-2014, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 31.1. (a) This section applies only to election materials for elections held after December 31, 2003.

(b) The inspector of each precinct shall deliver the bags required by section 30(a) and 30(c) of this chapter in good condition, together with poll lists, tally sheets, and other forms, to the circuit court clerk when making returns.

(c) Except for unused ballots disposed of under IC 3-11-3-31 or affidavits received by the county election board under IC 3-14-5-2 for delivery to the ~~foreman of a grand jury~~, **prosecuting attorney**, the circuit court clerk shall seal the ballots (including provisional ballots) and other material (including election material related to provisional ballots) during the time allowed to file a verified petition or cross-petition for a recount of votes or to contest the election. Except as provided in subsection (d) and notwithstanding any other provision of state law, after the recount or contest filing period, the election material, including election material related to provisional ballots (except for ballots and provisional ballots, which remain confidential) shall be made available for copying and inspection under IC 5-14-3. The circuit court clerk shall carefully preserve the sealed ballots and other material for twenty-two (22) months, as required by 42 U.S.C. 1974, after which the sealed ballots and other material are subject to IC 5-15-6 unless an order issued under:

- (1) IC 3-12-6-19 or IC 3-12-11-16; or
- (2) 42 U.S.C. 1973;

requires the continued preservation of the ballots or other material.

(d) If a petition for a recount or contest is filed, the material for that election remains confidential until completion of the recount or contest.

(e) Upon delivery of the poll lists, the county voter registration office shall unseal the envelopes containing the poll lists, inspect the poll lists, and update the registration records of the county. The county voter registration office shall use the poll lists to update the registration record to include the voter's voter identification number if the voter's voter identification number is not already included in the registration record. Upon completion of the inspection, the poll list shall be preserved with the ballots and other materials in the manner prescribed by subsection (c) for the period prescribed by subsections (c) and (d).

(f) This subsection does not apply to ballots, including provisional ballots. Notwithstanding subsection (c), if a county voter registration



1 office determines that the inspection and copying of precinct election
 2 material would reveal the political parties, candidates, and public
 3 questions for which an individual cast an absentee ballot, the county
 4 voter registration office shall keep confidential only that part of the
 5 election material necessary to protect the secrecy of the voter's ballot.
 6 In addition, the county voter registration office shall keep confidential
 7 information contained in material related to provisional ballots that
 8 identifies an individual, except for the individual's name, address, and
 9 birth date.

10 (g) After the expiration of the period described in subsection (c) or
 11 (d), the ballots may be destroyed in the manner provided by
 12 IC 3-11-3-31 or transferred to a state educational institution as
 13 provided by IC 3-12-2-12.

14 (h) This subsection applies to a detachable recording unit or
 15 compartment used to record a ballot cast on a direct record electronic
 16 voting system. After the time allowed to file a verified petition or
 17 cross-petition for a recount of votes or to contest the election, the
 18 circuit court clerk shall transfer the data contained in the unit or
 19 compartment to a disc or other recording medium. After transferring
 20 the data, the clerk may clear or erase the unit or compartment. The
 21 circuit court clerk shall carefully preserve the disc or medium used to
 22 record the data for twenty-two (22) months, as required by 42 U.S.C.
 23 1974, after which time the disc or medium may be erased or destroyed,
 24 subject to IC 5-15-6, unless an order requiring the continued
 25 preservation of the disc or medium is issued under the following:

26 (1) IC 3-12-6-19.

27 (2) IC 3-12-11-16.

28 (3) 42 U.S.C. 1973.

29 SECTION 4. IC 3-14-3-4, AS AMENDED BY P.L.158-2013,
 30 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2015]: Sec. 4. (a) A person who:

32 (1) knowingly obstructs or interferes with an election officer in
 33 the discharge of the officer's duty; or

34 (2) knowingly obstructs or interferes with a voter within the
 35 chute;

36 commits a Level 6 felony.

37 (b) A person who knowingly injures an election officer or a voter:

38 (1) in the exercise of the officer's or voter's rights or duties; or

39 (2) because the officer or voter has exercised the officer's or
 40 voter's rights or duties;

41 commits a Level 6 felony.

42 (c) A person called as a witness to testify against another for a



1 violation of this section is a competent witness to prove the offense
 2 even though the person may have been a party to the violation. The
 3 person shall be compelled to testify as other witnesses. However, the
 4 person's evidence may not be used against the person in a prosecution
 5 growing out of matters about which the person testifies, and the person
 6 is not liable ~~to indictment or under an~~ information for the offense.

7 SECTION 5. IC 3-14-5-1, AS AMENDED BY P.L.230-2005,
 8 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2015]: Sec. 1. (a) This section applies during an election
 10 whenever a voter makes an affidavit before the inspector in a precinct
 11 that a person who has voted is an illegal voter in the precinct. This
 12 section does not apply to an affidavit executed by an individual who:

- 13 (1) is subject to the requirements set forth in IC 3-7-33-4.5;
- 14 (2) is challenged solely as a result of the individual's inability or
 15 refusal to comply with IC 3-7-33-4.5; and
- 16 (3) subsequently complies with IC 3-7-33-4.5 before the close of
 17 the polls on election day.

18 (b) Immediately after the close of the polls the inspector shall
 19 deliver the affidavit to the county election board for delivery by the
 20 prosecuting attorney for the county ~~to the grand jury~~ under section 2 of
 21 this chapter. The prosecuting attorney for the county shall:

- 22 (1) proceed as if the affidavit had been made before the
 23 prosecuting attorney; and
- 24 (2) ~~ensure that the grand jury notifies~~ **notify** the NVRA official
 25 under section 2 of this chapter if a violation of NVRA appears to
 26 have occurred.

27 SECTION 6. IC 3-14-5-2, AS AMENDED BY P.L.230-2005,
 28 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2015]: Sec. 2. (a) Each precinct election board shall, at the
 30 close of the polls, place all affidavits prescribed by this title for use on
 31 election day to determine the eligibility of a precinct election officer (or
 32 a person who wishes to cast a ballot) in a strong paper bag or envelope
 33 and securely seal it. Each member shall endorse that member's name
 34 on the back of the bag or envelope.

35 (b) The inspector and judge of the opposite political party shall
 36 deliver the sealed bag or envelope to the county election board. The
 37 county election board shall do the following:

- 38 (1) Remove the affidavits from the bag or envelope.
- 39 (2) Mail a copy of each affidavit to the secretary of state.
- 40 (3) Replace the affidavits within the bag or envelope.
- 41 (4) Reseal the bag or envelope with the endorsement of the name
 42 of each county election board member on the back of the bag or



envelope.

(5) Carefully preserve the resealed bag or envelope and deliver it, with the county election board's seal unbroken, to the ~~foreman of the grand jury when next in session.~~ **prosecuting attorney.**

(c) The ~~grand jury~~ **prosecuting attorney** shall inquire into the truth or falsity of the affidavits. ~~and the court having jurisdiction over the grand jury shall specially charge the jury as to its duties under this section.~~

(d) The ~~grand jury~~ **prosecuting attorney** shall file a report of the result of ~~its~~ **the** inquiry with:

(1) the court; and

(2) the NVRA official if a violation of NVRA appears to have occurred.

SECTION 7. IC 3-14-5-3, AS AMENDED BY P.L.81-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) This section does not apply to a violation of NVRA or IC 3-7.

(b) The commission and each county election board shall report a violation of this title as a felony or misdemeanor to the appropriate prosecuting attorney and the alleged violator.

(c) ~~The commission and boards may have the report transmitted and presented to the grand jury of the county in which the violation was committed at its first session after making the report and at subsequent sessions that may be required. The commission and boards shall furnish the grand jury any evidence at their command necessary in the investigation and prosecution of the violation.~~

SECTION 8. IC 3-14-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. When an election offense is committed, an ~~indictment or~~ information for the offense is sufficient if it alleges that the election was authorized by law without stating the names of the officers holding the election, the candidates voted for, or the offices filled at the election.

SECTION 9. IC 4-2-7-7, AS AMENDED BY P.L.57-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) If the inspector general discovers evidence of criminal activity, the inspector general shall certify to the appropriate prosecuting attorney the following information:

(1) The identity of any person who may be involved in the criminal activity.

(2) The criminal statute that the inspector general believes has been violated.

In addition, the inspector general shall provide the prosecuting attorney



1 with any relevant documents, transcripts, or written statements. If the
 2 prosecuting attorney decides to prosecute the crime described in the
 3 information certified to the prosecuting attorney, or any other related
 4 crimes, the inspector general shall cooperate with the prosecuting
 5 attorney in the investigation and prosecution of the case. Upon request
 6 of the prosecuting attorney, the inspector general may participate on
 7 behalf of the state in any resulting criminal trial.

8 (b) If:

9 (1) the prosecuting attorney to whom the inspector general issues
 10 a certification under subsection (a):

11 (A) is disqualified from investigating or bringing a criminal
 12 prosecution in the matter addressed in the certification;

13 (B) does not file an information ~~or seek an indictment~~ not later
 14 than one hundred eighty (180) days after the date on which the
 15 inspector general certified the information to the prosecuting
 16 attorney; or

17 (C) refers the case back to the inspector general; and

18 (2) the inspector general finds that there may be probable cause
 19 to believe that a person identified in a certification under
 20 subsection (a)(1) has violated a criminal statute identified in a
 21 certification under subsection (a)(2);

22 the inspector general may request that the governor recommend the
 23 inspector general be appointed as a special prosecuting attorney under
 24 subsection (h) so that the inspector general may prosecute the matter
 25 addressed in the certification.

26 (c) The governor may recommend the inspector general be
 27 appointed as a special prosecuting attorney if:

28 (1) one (1) of the conditions set forth in subsection (b)(1) relating
 29 to the prosecuting attorney is met; and

30 (2) the governor finds that the appointment of the inspector
 31 general as a special prosecuting attorney is in the best interests of
 32 justice.

33 (d) If the governor has recommended the appointment of the
 34 inspector general as a special prosecuting attorney, the inspector
 35 general shall file a notice with the chief judge of the court of appeals,
 36 stating:

37 (1) that the governor has recommended that the inspector general
 38 be appointed as a special prosecutor;

39 (2) the name of the county in which the crime that the inspector
 40 general intends to prosecute is alleged to have been committed;
 41 and

42 (3) that the inspector general requests the chief judge to assign a



1 court of appeals judge to determine whether the inspector general
2 should be appointed as a special prosecuting attorney.

3 Upon receipt of the notice, the chief judge of the court of appeals shall
4 randomly select a judge of the court of appeals to determine whether
5 the inspector general should be appointed as a special prosecuting
6 attorney. The chief judge shall exclude from the random selection a
7 judge who resided in the county in which the crime is alleged to have
8 been committed at the time the judge was appointed to the court of
9 appeals.

10 (e) The inspector general shall file a verified petition for
11 appointment as a special prosecuting attorney with the court of appeals
12 judge assigned under subsection (d). In the verified petition, the
13 inspector general shall set forth why the inspector general should be
14 appointed as a special prosecutor. The inspector general may support
15 the verified petition by including relevant documents, transcripts, or
16 written statements in support of the inspector general's position. The
17 inspector general shall serve a copy of the verified petition, along with
18 any supporting evidence, on the prosecuting attorney to whom the case
19 was originally certified under subsection (a).

20 (f) The prosecuting attorney shall file a verified petition in support
21 of or opposition to the inspector general's verified petition for
22 appointment as a special prosecuting attorney not later than fifteen (15)
23 days after receipt of the inspector general's verified petition for
24 appointment as a special prosecuting attorney.

25 (g) Upon a showing of particularized need, the court of appeals
26 judge may order the verified petitions filed by the inspector general and
27 the prosecuting attorney to be confidential.

28 (h) After considering the verified petitions, the court of appeals
29 judge may appoint the inspector general or a prosecuting attorney,
30 other than the prosecuting attorney to whom the case was certified
31 under this section, as a special prosecuting attorney if the judge finds
32 that:

- 33 (1) one (1) of the conditions set forth in subsection (b)(1) is met;
- 34 and
- 35 (2) appointment of a special prosecuting attorney is in the best
- 36 interests of justice.

37 In making ~~its~~ **the** determination under this subsection, the court of
38 appeals judge shall consider only the arguments and evidence
39 contained in the verified petitions.

40 (i) ~~Except as provided in subsection (k);~~ A special prosecuting
41 attorney appointed under this section has the same powers as the
42 prosecuting attorney of the county. However, the court of appeals judge



shall:

- (1) limit the scope of the special prosecuting attorney's duties as a special prosecuting attorney to include only the investigation or prosecution of a particular case, ~~or particular grand jury investigation~~, including any matter that reasonably results from the investigation ~~or prosecution; or grand jury investigation~~; and
- (2) establish for a time certain the length of the special prosecuting attorney's term.

If the special prosecuting attorney's investigation or prosecution acquires a broader scope or requires additional time to complete, the court of appeals judge may at any time increase the scope of the special prosecuting attorney's duties or establish a longer term for the special prosecuting attorney.

(j) An inspector general or prosecuting attorney appointed to serve as a special prosecuting attorney may appoint one (1) or more deputies who are licensed to practice law in Indiana to serve as a special deputy prosecuting attorney. A special deputy prosecuting attorney is subject to the same statutory restrictions and other restrictions imposed on the special prosecuting attorney by the court of appeals, but otherwise has the same powers as a deputy prosecuting attorney.

~~(k) An inspector general or prosecuting attorney appointed to serve as a special prosecuting attorney under this section may bring a criminal charge only after obtaining an indictment from a grand jury. An inspector general or prosecuting attorney appointed under this section to serve as a special prosecuting attorney may not bring a criminal charge by filing an information.~~

~~(k)~~ (k) The inspector general or a deputy inspector general who is licensed to practice law in Indiana may serve as a special deputy prosecuting attorney under IC 33-39-10-3.

~~(m)~~ (l) If the court of appeals appoints a prosecuting attorney to serve as a special prosecuting attorney under this section, the inspector general shall reimburse the prosecuting attorney for the reasonable expenses of investigating and prosecuting the case.

SECTION 10. IC 4-6-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. An investigative demand may not:

- (1) contain a requirement that would be unreasonable if contained in a subpoena or subpoena duces tecum issued by a court; ~~in a grand jury investigation~~; or
- (2) require the giving of oral testimony, the production of written answers to interrogatories, or the production of documentary material that would be privileged from disclosure if demanded by



1 a subpoena duces tecum issued by a court. ~~in aid of a grand jury~~
 2 ~~investigation.~~

3 SECTION 11. IC 4-6-3-11 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. When original
 5 documentary material made available pursuant to an investigative
 6 demand is no longer required for use in a pending proceeding, or,
 7 absent any pending proceeding, is no longer required in connection
 8 with the investigation for which it was demanded, or at the end of the
 9 twenty-four (24) months following the date when the material was
 10 made available, whichever is sooner, it shall be returned, unless a
 11 request to extend the period beyond twenty-four (24) months has been
 12 filed in a court in which a request for an order compelling compliance
 13 pursuant to section 6 of this chapter be filed. This section does not
 14 require the return of documentary material that has passed into the
 15 control of a court or ~~grand jury.~~ **prosecuting attorney.**

16 SECTION 12. IC 4-15-11-3 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) An officer or
 18 employee of the state who is charged with a crime or infraction relating
 19 to that individual's acts as an officer or employee may apply to the
 20 budget agency for reimbursement of reasonable expenses incurred in
 21 the officer's or employee's defense against those charges if all charges
 22 have been dismissed or if the officer or employee has been found not
 23 guilty of the charges.

24 ~~(b) An officer or employee of the state who is the target of a grand~~
 25 ~~jury investigation relating to that individual's acts in carrying out the~~
 26 ~~individual's responsibilities as an officer or employee of the state may~~
 27 ~~apply to the the budget agency for reimbursement of reasonable~~
 28 ~~expenses incurred by the officer or employee resulting from the grand~~
 29 ~~jury investigation if the grand jury fails to indict the officer or~~
 30 ~~employee.~~

31 ~~(c)~~ **(b)** The budget agency may approve reimbursement of
 32 reasonable expenses under this section if:

33 (1) the officer or employee who was charged with a crime or
 34 infraction ~~or who was the target of a grand jury investigation~~
 35 retained counsel; and

36 (2) the expenses for which reimbursement is sought are
 37 reasonable.

38 ~~(d)~~ **(c)** Reimbursement payments approved under this section shall
 39 be paid from the state general fund.

40 SECTION 13. IC 4-33-3-10 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. A person may not
 42 be appointed to the commission if:



(1) the person is not of good moral character; or

(2) the person:

(A) has been convicted of; or

(B) is under indictment for **or charged by information with;**
a felony under Indiana law, the laws of any other state, or laws of
the United States.

SECTION 14. IC 4-33-5-1, AS AMENDED BY P.L.229-2013,
SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2015]: Sec. 1. An applicant for a license or an operating agent
contract under this article must provide the following information to
the commission:

(1) The name, business address, and business telephone number
of the applicant.

(2) An identification of the applicant.

(3) The following information for an applicant that is not an
individual:

(A) The state of incorporation or registration.

(B) The names of all corporate officers.

(C) The identity of the following:

(i) Any person in which the applicant has an equity interest
of at least one percent (1%) of all shares. The identification
must include the state of incorporation or registration if
applicable. However, an applicant that has a pending
registration statement filed with the Securities and Exchange
Commission is not required to provide information under
this item.

(ii) The shareholders or participants of the applicant. An
applicant that has a pending registration statement filed with
the Securities and Exchange Commission is required to
provide only the names of persons holding an interest of
more than one percent (1%) of all shares.

(4) An identification of any business, including the state of
incorporation or registration if applicable, in which an applicant
or the spouse or children of an applicant has an equity interest of
more than one percent (1%) of all shares.

(5) If the applicant has been **charged by information, been**
indicted, been convicted, pleaded guilty or nolo contendere, or
forfeited bail concerning a criminal offense other than a traffic
violation under the laws of any jurisdiction. The applicant must
include the following information under this subdivision:

(A) The name and location of the following:

(i) The court.



- 1 (ii) The arresting agency.
- 2 (iii) The prosecuting agency.
- 3 (B) The case number.
- 4 (C) The date and type of offense.
- 5 (D) The disposition of the case.
- 6 (E) The location and length of incarceration.
- 7 (6) If the applicant has had a license or certificate issued by a
- 8 licensing authority in Indiana or any other jurisdiction denied,
- 9 restricted, suspended, revoked, or not renewed. An applicant must
- 10 provide the following information under this subdivision:
- 11 (A) A statement describing the facts and circumstances
- 12 concerning the denial, restriction, suspension, revocation, or
- 13 nonrenewal.
- 14 (B) The date each action described in clause (A) was taken.
- 15 (C) The reason each action described in clause (A) was taken.
- 16 (7) If the applicant has:
- 17 (A) filed or had filed against the applicant a proceeding in
- 18 bankruptcy; or
- 19 (B) been involved in a formal process to adjust, defer,
- 20 suspend, or work out the payment of a debt;
- 21 including the date of filing, the name and location of the court,
- 22 and the case and number of the disposition.
- 23 (8) If the applicant has filed or been served with a complaint or
- 24 notice filed with a public body concerning:
- 25 (A) a delinquency in the payment of; or
- 26 (B) a dispute over a filing concerning the payment of;
- 27 a tax required under federal, state, or local law, including the
- 28 amount, type of tax, the taxing agency, and times involved.
- 29 (9) A statement listing the names and titles of public officials or
- 30 officers of units of government and relatives of the public officials
- 31 or officers who directly or indirectly:
- 32 (A) have a financial interest in;
- 33 (B) have a beneficial interest in;
- 34 (C) are the creditors of;
- 35 (D) hold a debt instrument issued by; or
- 36 (E) have an interest in a contractual or service relationship
- 37 with;
- 38 an applicant.
- 39 (10) If an applicant for an operating agent contract or an owner's
- 40 or a supplier's license has directly or indirectly made a political
- 41 contribution, loan, donation, or other payment to a candidate or an
- 42 office holder in Indiana not more than five (5) years before the



1 date the applicant filed the application. An applicant must provide
 2 information concerning the amount and method of a payment
 3 described in this subdivision.

4 (11) The name and business telephone number of the attorney
 5 who will represent the applicant in matters before the
 6 commission.

7 (12) A description of a proposed or an approved riverboat gaming
 8 operation, including the following information:

9 (A) The type of riverboat.

10 (B) The site or home dock location of the riverboat.

11 (C) The expected economic benefit to local communities.

12 (D) The anticipated or actual number of employees.

13 (E) Any statements from the applicant concerning compliance
 14 with federal and state affirmative action guidelines.

15 (F) Anticipated or actual admissions.

16 (G) Anticipated or actual adjusted gross gaming receipts.

17 (13) A description of the product or service to be supplied by the
 18 applicant if the applicant has applied for a supplier's license.

19 (14) The following information from each licensee or operating
 20 agent involved in the ownership or management of gambling
 21 operations:

22 (A) An annual balance sheet.

23 (B) An annual income statement.

24 (C) A list of the stockholders or other persons having at least
 25 a one percent (1%) beneficial interest in the gambling
 26 activities of the person who has been issued the owner's
 27 license or operating agent contract.

28 (D) Any other information the commission considers
 29 necessary for the effective administration of this article.

30 SECTION 15. IC 5-2-6.1-17, AS AMENDED BY P.L.48-2012,
 31 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2015]: Sec. 17. (a) Except for an alleged victim of a child sex
 33 crime, the division may not award compensation under this chapter
 34 unless the violent crime was reported to a law enforcement officer not
 35 more than seventy-two (72) hours after the occurrence of the crime.

36 (b) The division may not award compensation under this chapter
 37 until:

38 (1) law enforcement and other records concerning the
 39 circumstances of the crime are available; and

40 (2) any criminal investigation directly related to the crime has
 41 been substantially completed.

42 (c) If the crime involved a motor vehicle, the division may not



1 award compensation under this chapter until an information ~~or~~
 2 ~~indictment~~ alleging the commission of a crime has been filed by a
 3 prosecuting attorney.

4 SECTION 16. IC 5-2-7-1 IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) For each person arrested and
 6 charged by information ~~or indictment~~ with a reportable offense (as
 7 defined in IC 10-13-3-18), there shall be filed with the court having
 8 jurisdiction over the case:

9 (1) a fingerprint sample taken from the arrested person; and

10 (2) an affidavit, attached to or as an integral part of the fingerprint
 11 sample, from an employee of the law enforcement agency
 12 effecting the arrest that identifies the sample as taken from the
 13 arrested person.

14 (b) The failure to file a fingerprint sample or an affidavit under
 15 subsection (a) is not a ground for the dismissal of a criminal action or
 16 the continuance of a criminal action.

17 SECTION 17. IC 5-8-1-17 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 17. If the offense for
 19 which the defendant is convicted on impeachment is also the subject
 20 of an ~~indictment or~~ information, the ~~indictment or~~ information is not
 21 barred hereby.

22 SECTION 18. IC 5-8-1-21 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 21. An accusation in
 24 writing against any district officer, county officer, township officer,
 25 municipal officer, or prosecuting attorney may be presented by the
 26 ~~grand jury prosecuting attorney~~ of the county in which the officer
 27 accused is elected or appointed. **An accusation against a prosecuting**
 28 **attorney shall be presented to a circuit or superior court in the**
 29 **county, which may appoint a special prosecuting attorney.**

30 SECTION 19. IC 5-8-1-23 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 23. The ~~accusation~~
 32 ~~must be delivered by the foreman of the grand jury to the~~ prosecuting
 33 attorney of the county **(or a special prosecuting attorney, if one has**
 34 **been appointed under section 21 of this chapter)** ~~except when he is~~
 35 ~~the officer accused, who must cause a copy thereof to be served shall~~
 36 **serve a copy of the accusation to upon** the defendant, and require, by
 37 notice in writing of not less than ten (10) days, that ~~he the defendant~~
 38 appear before the circuit court of the county at the time mentioned in
 39 the notice, and answer the accusation. The original accusation must
 40 then be filed with the clerk of the court, or if ~~he be the clerk is~~ the
 41 party accused, with the judge of the court.

42 SECTION 20. IC 5-8-1-30 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 30. The trial must be
 2 by a jury, and conducted in all respects in the same manner as the trial
 3 of ~~an indictment for a person charged with~~ a misdemeanor.

4 SECTION 21. IC 5-8-1-31 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 31. The prosecuting
 6 attorney and the defendant are respectively entitled to such process as
 7 may be necessary to enforce the attendance of witnesses, as upon a
 8 **criminal trial.** ~~of an indictment.~~

9 SECTION 22. IC 5-8-1-34 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 34. The same
 11 proceedings ~~maybe~~ **may be** had on like grounds for the removal of a
 12 prosecuting attorney, except that the accusation must be delivered ~~by~~
 13 ~~the foreman of the grand jury to the clerk, and by him~~ to the judge of
 14 the circuit court of the county, ~~or criminal court, if such court exists in~~
 15 ~~the county,~~ who must thereupon ~~notify the attorney-general to act as~~
 16 ~~prosecuting officer~~ **appoint a special prosecuting attorney** in the
 17 matter, and shall designate some resident attorney to act as assistant to
 18 ~~the attorney-general in such prosecution, whose compensation shall be~~
 19 ~~fixed by the court and paid out of the county treasury.~~

20 SECTION 23. IC 5-11-5-1, AS AMENDED BY P.L.104-2014,
 21 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2015]: Sec. 1. (a) Whenever an examination is made under
 23 this article, a report of the examination shall be made. The report must
 24 include a list of findings and shall be signed and verified by the
 25 examiner making the examination. A finding that is critical of an
 26 examined entity must be based upon one (1) of the following:

27 (1) Failure of the entity to observe a uniform compliance
 28 guideline established under IC 5-11-1-24(a).

29 (2) Failure of the entity to comply with a specific law.

30 A report that includes a finding that is critical of an examined entity
 31 must designate the uniform compliance guideline or the specific law
 32 upon which the finding is based. The reports shall immediately be filed
 33 with the state examiner, and, after inspection of the report, the state
 34 examiner shall immediately file one (1) copy with the officer or person
 35 examined, one (1) copy with the auditing department of the
 36 municipality examined and reported upon (if the subject of the report
 37 is a municipality), and one (1) copy in an electronic format under
 38 IC 5-14-6 with the legislative services agency, as staff to the audit
 39 committee and the general assembly. Upon filing, the report becomes
 40 a part of the public records of the office of the state examiner, of the
 41 office or the person examined, of the auditing department of the
 42 municipality examined and reported upon, and of the legislative



1 services agency, as staff to the audit committee and the general
 2 assembly. A report is open to public inspection at all reasonable times
 3 after it is filed. If an examination discloses malfeasance, misfeasance,
 4 or nonfeasance in office or of any officer or employee, a copy of the
 5 report, signed and verified, shall be placed by the state examiner with
 6 the attorney general and the inspector general. The attorney general
 7 shall diligently institute and prosecute civil proceedings against the
 8 delinquent officer, or upon the officer's official bond, or both, and
 9 against any other proper person that will secure to the state or to the
 10 proper municipality the recovery of any funds misappropriated,
 11 diverted, or unaccounted for.

12 (b) Before an examination report is signed, verified, and filed as
 13 required by subsection (a), the officer or the chief executive officer of
 14 the state office, municipality, or entity examined must have an
 15 opportunity to review the report and to file with the state examiner a
 16 written response to that report. If a written response is filed, **it the**
 17 **response** becomes a part of the examination report that is signed,
 18 verified, and filed as required by subsection (a).

19 (c) Except as required by subsections (b) and (d), it is unlawful for
 20 any deputy examiner, field examiner, or private examiner, before an
 21 examination report is made public as provided by this section, to make
 22 any disclosure of the result of any examination of any public account,
 23 except to the state examiner or if directed to give publicity to the
 24 examination report by the state examiner or by any court. If an
 25 examination report shows or discloses the commission of a crime by
 26 any person, it is the duty of the state examiner to transmit and present
 27 the examination report to the ~~grand jury of the county in which the~~
 28 ~~crime was committed at its first session after the making of the~~
 29 ~~examination report and at any subsequent sessions that may be~~
 30 ~~required. The state examiner shall furnish to the grand jury all evidence~~
 31 ~~at the state examiner's command necessary in the investigation and~~
 32 ~~prosecution of the crime: prosecuting attorney of the county in~~
 33 **which the crime was committed. The state examiner shall assist the**
 34 **prosecuting attorney in the investigation and prosecution of the**
 35 **crime.**

36 (d) If, during an examination under this article, a deputy examiner,
 37 field examiner, or private examiner acting as an agent of the state
 38 examiner determines that the following conditions are satisfied, the
 39 examiner shall report the determination to the state examiner:

40 (1) A substantial amount of public funds has been
 41 misappropriated or diverted.

42 (2) The deputy examiner, field examiner, or private examiner



1 acting as an agent of the state examiner has a reasonable belief
 2 that the malfeasance or misfeasance that resulted in the
 3 misappropriation or diversion of the public funds was committed
 4 by the officer or an employee of the office.

5 (e) After receiving a preliminary report under subsection (d), the
 6 state examiner may provide a copy of the report to the attorney general.
 7 The attorney general may institute and prosecute civil proceedings
 8 against the delinquent officer or employee, or upon the officer's or
 9 employee's official bond, or both, and against any other proper person
 10 that will secure to the state or to the proper municipality the recovery
 11 of any funds misappropriated, diverted, or unaccounted for.

12 (f) In an action under subsection (e), the attorney general may attach
 13 the defendant's property under IC 34-25-2.

14 (g) A preliminary report under subsection (d) is confidential until
 15 the final report under subsection (a) is issued, unless the attorney
 16 general institutes an action under subsection (e) on the basis of the
 17 preliminary report.

18 SECTION 24. IC 5-11-5.5-12, AS ADDED BY P.L.222-2005,
 19 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2015]: Sec. 12. (a) A civil investigative demand issued under
 21 this chapter may not require the production of any documentary
 22 material, the submission of any answers to written interrogatories, or
 23 the giving of any oral testimony if the material, answers, or testimony
 24 would be protected from disclosure under the standards applicable:

25 (1) to a subpoena or subpoena duces tecum issued by a court; ~~to~~
 26 ~~aid in a grand jury investigation;~~ or

27 (2) to a discovery request under the rules of trial procedure;
 28 to the extent that the application of these standards to a civil
 29 investigative demand is consistent with the purposes of this chapter.

30 (b) A civil investigative demand that is a specific demand for a
 31 product of discovery supersedes any contrary order, rule, or statutory
 32 provision, other than this section, that prevents or restricts disclosure
 33 of the product of discovery. Disclosure of a product of discovery under
 34 a specific demand does not constitute a waiver of a right or privilege
 35 that the person making the disclosure may be otherwise entitled to
 36 invoke to object to discovery of trial preparation materials.

37 SECTION 25. IC 5-11-5.5-15, AS AMENDED BY P.L.1-2006,
 38 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2015]: Sec. 15. (a) The official who issued the civil
 40 investigative demand is the custodian of the documentary material,
 41 answers to interrogatories, and transcripts of oral testimony received
 42 under this chapter.



(b) An investigator who receives documentary material, answers to interrogatories, or transcripts of oral testimony under this section shall transmit ~~them~~ **the material, answers, or transcripts** to the official who issued the civil investigative demand. The official shall take physical possession of the material, answers, or transcripts and is responsible for the use made of ~~them~~ **the material, answers, or transcripts** and for the return of documentary material.

(c) The official who issued the civil investigative demand may make copies of documentary material, answers to interrogatories, or transcripts of oral testimony as required for official use by the attorney general, the inspector general, or the state police. The material, answers, or transcripts may be used in connection with the taking of oral testimony under this chapter.

(d) Except as provided in subsection (e), documentary material, answers to interrogatories, or transcripts of oral testimony, while in the possession of the official who issued the civil investigative demand, may not be made available for examination to any person other than:

- (1) the attorney general or designated personnel of the attorney general's office;
- (2) the inspector general or designated personnel of the inspector general's office; or
- (3) an officer of the state police who has been authorized by the official who issued the civil investigative demand.

(e) The restricted availability of documentary material, answers to interrogatories, or transcripts of oral testimony does not apply:

- (1) if the person who provided:
 - (A) the documentary material, answers to interrogatories, or oral testimony; or
 - (B) a product of discovery that includes documentary material, answers to interrogatories, or oral testimony;
 consents to disclosure;
- (2) to the general assembly or a committee or subcommittee of the general assembly; or
- (3) to a state agency that requires the information to carry out its statutory responsibility.

Documentary material, answers to interrogatories, or transcripts of oral testimony requested by a state agency may be disclosed only under a court order finding that the state agency has a substantial need for the use of the information in carrying out its statutory responsibility.

(f) While in the possession of the official who issued the civil investigative demand, documentary material, answers to interrogatories, or transcripts of oral testimony shall be made available



1 to the person, or to the representative of the person who produced the
 2 material, answered the interrogatories, or gave oral testimony. The
 3 official who issued the civil investigative demand may impose
 4 reasonable conditions upon the examination or use of the documentary
 5 material, answers to interrogatories, or transcripts of oral testimony.

6 (g) The official who issued the civil investigative demand and any
 7 attorney employed in the same office as the official who issued the civil
 8 investigative demand may use the documentary material, answers to
 9 interrogatories, or transcripts of oral testimony in connection with a
 10 proceeding before ~~a grand jury~~, a court or an agency. Upon the
 11 completion of the proceeding, the attorney shall return to the official
 12 who issued the civil investigative demand any documentary material,
 13 answers to interrogatories, or transcripts of oral testimony that are not
 14 under the control of the ~~grand jury~~, court or agency.

15 (h) Upon written request of a person who produced documentary
 16 material in response to a civil investigative demand, the official who
 17 issued the civil investigative demand shall return any documentary
 18 material in the official's possession to the person who produced
 19 documentary material, if:

20 (1) a proceeding before ~~a grand jury~~, a court or an agency
 21 involving the documentary material has been completed; or

22 (2) a proceeding before ~~a grand jury~~, a court or an agency
 23 involving the documentary material has not been commenced
 24 within a reasonable time after the completion of the investigation.

25 The official who issued the civil investigative demand is not required
 26 to return documentary material that is in the custody of ~~a grand jury~~, a
 27 court or an agency.

28 SECTION 26. IC 5-11-6-4 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) If a report is filed
 30 with the attorney general that discloses any offense, the state examiner
 31 shall present a certified copy of the report and competent testimony
 32 supporting the charges made in the report to the ~~grand jury~~
 33 **prosecuting attorney** of the county in which the offense is alleged to
 34 have been committed. ~~at its first convenient session~~. The attorney
 35 general shall ~~direct, supervise, and~~ assist in the prosecution of the
 36 offense ~~before the grand jury and~~ in the courts.

37 (b) The per diem and actual expenses of all field or private
 38 examiners required by the state examiner, the attorney general, or any
 39 prosecuting attorney to attend ~~sessions of grand juries or~~ trials in
 40 connection with the prosecution shall be paid by the state upon
 41 vouchers approved by the state examiner from funds available for
 42 office and traveling expenses for the state board of accounts.



1 SECTION 27. IC 6-3-2-17 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 17. A reward received
 3 by an individual is exempt from taxation under IC 6-3-1 through
 4 IC 6-3-7, in an amount not to exceed one thousand dollars (\$1,000), if:

5 (1) the reward is for information provided to a law enforcement
 6 official or agency, or to a not-for-profit corporation whose
 7 exclusive purpose is to assist law enforcement officials or
 8 agencies;

9 (2) the information that is provided assists in the arrest
 10 ~~indictment, of~~ or the filing of charges against a person; and

11 (3) the individual is not:

12 (A) compensated for investigating crimes or accidents
 13 (including an employee of, or an individual under contract
 14 with, a law enforcement agency);

15 (B) the person convicted of the crime; or

16 (C) the victim of the crime.

17 SECTION 28. IC 6-8.1-3-13 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. (a) The attorney
 19 general and the respective county prosecuting attorneys have
 20 concurrent jurisdiction in conducting criminal prosecutions of tax
 21 matters. Either the attorney general or the respective prosecuting
 22 attorney may initiate criminal tax proceedings, and appear ~~before grand~~
 23 ~~juries~~ to report violations, give legal advice, or interrogate witnesses.

24 (b) Upon request by the department, the attorney general shall
 25 prosecute a civil action to collect unpaid taxes, penalties, and interest
 26 and to enforce the department's powers.

27 SECTION 29. IC 7.1-2-2-5 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. ~~Prosecutor: Powers~~
 29 ~~and Duties~~. The prosecutor shall have the following powers and duties:

30 ~~(a)~~ (1) To prosecute before the commission all violations of laws
 31 pertaining to alcohol, alcoholic beverages, and tobacco, including
 32 violations pertaining to tobacco vending machines.

33 ~~(b)~~ (2) To prosecute before the commission all violations of the
 34 rules and regulations of the commission.

35 ~~(c)~~ (3) To assist the prosecuting attorneys of the various judicial
 36 circuits in the investigation and prosecution of violations of laws
 37 pertaining to alcohol, alcoholic beverages, and tobacco, including
 38 violations pertaining to tobacco vending machines, and to
 39 represent the state in these matters.

40 ~~(d)~~ (4) To appear before grand juries to assist in their
 41 investigations into matters pertaining to alcohol, alcoholic
 42 beverages, and tobacco, including matters pertaining to tobacco



vending machines.

~~(e)~~ **(5)** To establish a seal of ~~his~~ **the prosecutor's** office.

~~(f)~~ **(6)** To administer oaths and to do all other acts authorized by law for notaries public. ~~and;~~

~~(g)~~ **(7)** To employ, with the consent of the commission and at salaries fixed by the commission in ~~their~~ **the commission's** budget, the clerical staff required by ~~him~~ **the prosecutor** to effectively discharge ~~his~~ **the prosecutor's** duties.

SECTION 30. IC 7.1-2-3-10, AS AMENDED BY P.L.94-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) The commission shall have the power to investigate the violation of a provision of this title and of the rules and regulations of the commission and to report its findings to the prosecuting attorney ~~or the grand jury~~ of the county in which the violation occurred, or to the attorney general.

(b) The commission shall enter a memorandum of understanding with the Indiana gaming commission authorizing the commission's unlawful gaming enforcement division to conduct revocation actions resulting from suspected violations of IC 35-45-5-3, IC 35-45-5-3.5, or IC 35-45-5-4 as authorized by the following statutes:

(1) IC 7.1-3-18.5.

(2) IC 7.1-3-23-2(b).

(3) IC 7.1-3-23-5.

(c) A memorandum of understanding entered into under this section must comply with the requirements of IC 4-33-19-8.

~~(d) The memorandum of understanding required by this section must be entered into before January 1, 2008.~~

SECTION 31. IC 9-22-3-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 35. The prosecution of a disposal facility, automotive salvage rebuilder, insurance company, or individual suspected of having violated this section may be instituted by the filing of an information ~~or indictment~~ in the same manner as other criminal cases are commenced.

SECTION 32. IC 10-13-3-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 25. (a) If a person whose arrest has been reported as required by section 24 of this chapter is:

(1) transferred to the custody of another criminal justice agency;

or

(2) released without having an ~~indictment~~ ~~or~~ information filed with any court;

a disposition report shall be furnished to the department by the agency



from whose custody the person has been transferred or released.
Disposition reports shall be made on forms provided by the department.

(b) If an indictment or information is filed in a court, the clerk of the court shall furnish to the department, on forms provided by the department, a report of the disposition of the case.

(c) A disposition report, whether by a criminal justice agency or a court clerk, shall be sent to the department within thirty (30) days after the disposition.

SECTION 33. IC 10-16-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) Except as otherwise provided, if the Indiana national guard is in active service on behalf of the state:

(1) in case of:

(A) public disaster;

(B) riot;

(C) tumult;

(D) breach of the peace; or

(E) resistance of process;

(2) whenever called upon in aid of civil authorities;

(3) under martial law;

(4) at encampments or any scheduled training periods or drills for which a member is entitled to pay, within or outside Indiana; or

(5) upon any other duty requiring the entire time of the Indiana national guard, or any part of the Indiana national guard;

the uniform code of military justice governing the armed forces of the United States with any subsequent change approved by the adjutant general as applicable to Indiana military law is in force and regarded as a part of this article for the Indiana national guard until the Indiana national guard is relieved from duty.

(b) Confinement in a penitentiary under this article must be in a penitentiary in Indiana. An offense committed by the member of the national guard while in active service may be tried and punished by a court-martial lawfully appointed.

(c) Except as provided in subsections (d) and (e), if the accused member of the Indiana national guard is found guilty, the convicted member shall be punished according to the uniform code of military justice and the rules and regulations governing the United States armed forces but within the limits prescribed by federal law for court-martial in the national guard.

(d) If the offense charged is also an offense by the civil law of Indiana, the officer whose duty it is to approve the charge may order the person charged to be turned over to the civil authorities for trial.



(e) Punishment under the rules and articles of the uniform code of military justice that extend to the taking of life may not be inflicted, except in time of actual war, invasion, or insurrection, declared by proclamation of the governor to exist, or to be threatened or anticipated.

(f) If a:

(1) person resisting the laws of the state or unlawfully or riotously assembled for that purpose; or

(2) bystander or other person in the vicinity;
is killed or injured by state forces called into active service under this article and acting in obedience to the orders of ~~its~~ a commanding officer, the officer or member of the Indiana national guard is not subject to ~~indictment~~, **criminal charges**, trial, or any civil process other than by a court-martial, to be convened for that purpose by the governor.

(g) The finding of the court-martial, when submitted to and approved by the governor, in accordance with the uniform code of military justice, is final and conclusive on all persons.

(h) If an ~~indictment is found~~ or information is filed against the person, a writ or other process may not be issued by the clerk of the court where the ~~indictment was returned~~ or information **was** filed against the defendant. The clerk shall immediately transmit to the governor a certified copy, and, upon the receipt of the certified copy, the governor shall cause to be convened a court-martial to determine the truth of the charges and the punishment, if any, to be inflicted.

SECTION 34. IC 11-12-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The department shall inspect each county jail at least one (1) time each year to determine whether it is complying with the standards adopted under section 1 of this chapter. If the department determines that a jail is not complying with the standards, the commissioner shall give written notice of this determination to the county sheriff, the board of county commissioners, the prosecuting attorney, the circuit court, and all courts having criminal or juvenile jurisdiction in that county. This notice must specify which standards are not being met and state the commissioner's recommendations regarding compliance.

(b) If after six (6) months from the date of the written notice the department determines that the county is not making a good faith effort toward compliance with the standards specified in the notice, the commissioner may:

(1) petition the circuit court for an injunction prohibiting the confinement of persons in all or any part of the jail, or otherwise



1 restricting the use of the jail; or
 2 (2) recommend, in writing, to the prosecuting attorney and each
 3 court with criminal or juvenile jurisdiction that ~~a grand jury be~~
 4 **convened to the prosecuting attorney** tour and examine the
 5 county jail. ~~under IC 35-34-2-11.~~

6 (c) Upon receipt of notice by the commissioner that the jail does not
 7 comply with standards adopted under section 1 of this chapter, the
 8 sheriff may bring an action in the circuit court against the board of
 9 county commissioners or county council for appropriate mandatory or
 10 injunctive relief.

11 SECTION 35. IC 12-10-3-11 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) A person, other
 13 than a person against whom a complaint concerning an endangered
 14 adult has been made, who in good faith:

- 15 (1) makes or causes to be made a report required to be made
- 16 under this chapter;
- 17 (2) testifies or participates in any investigation or administrative
- 18 or judicial proceeding on matters arising from the report;
- 19 (3) makes or causes to be made photographs or x-rays of an
- 20 endangered adult; or
- 21 (4) discusses a report required to be made under this chapter with
- 22 the division, the adult protective services unit, a law enforcement
- 23 agency, or other appropriate agency;

24 is immune from both civil and criminal liability arising from those
 25 actions.

26 (b) An individual may not be excused from testifying before a court
 27 ~~or grand jury~~ concerning a report made under this chapter on the basis
 28 that the testimony is privileged information, unless the individual is an
 29 attorney, a physician, a clergyman, a husband, or a wife who is not
 30 required to testify under IC 34-46-3-1.

31 (c) An employer may not discharge, demote, transfer, prepare a
 32 negative work performance evaluation, or reduce benefits, pay, or work
 33 privileges, or take any other action to retaliate against an employee who
 34 in good faith files a report under this chapter.

35 SECTION 36. IC 16-41-8-5, AS AMENDED BY P.L.158-2013,
 36 SECTION 242, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) This section does not apply
 38 to medical testing of an individual for whom an ~~indictment or~~
 39 information is filed for a sex crime and for whom a request to have the
 40 individual tested under section 6 of this chapter is filed.

41 (b) The following definitions apply throughout this section:

- 42 (1) "Bodily fluid" means blood, human waste, or any other bodily



- 1 fluid.
- 2 (2) "Dangerous disease" means any of the following:
- 3 (A) Chancroid.
- 4 (B) Chlamydia.
- 5 (C) Gonorrhea.
- 6 (D) Hepatitis.
- 7 (E) Human immunodeficiency virus (HIV).
- 8 (F) Lymphogranuloma venereum.
- 9 (G) Syphilis.
- 10 (H) Tuberculosis.
- 11 (3) "Offense involving the transmission of a bodily fluid" means
- 12 any offense (including a delinquent act that would be a crime if
- 13 committed by an adult) in which a bodily fluid is transmitted from
- 14 the defendant to the victim in connection with the commission of
- 15 the offense.
- 16 (c) This subsection applies only to a defendant who has been
- 17 charged with a potentially disease transmitting offense. At the request
- 18 of an alleged victim of the offense, the parent, guardian, or custodian
- 19 of an alleged victim who is less than eighteen (18) years of age, or the
- 20 parent, guardian, or custodian of an alleged victim who is an
- 21 endangered adult (as defined in IC 12-10-3-2), the prosecuting attorney
- 22 shall petition a court to order a defendant charged with the commission
- 23 of a potentially disease transmitting offense to submit to a screening
- 24 test to determine whether the defendant is infected with a dangerous
- 25 disease. In the petition, the prosecuting attorney must set forth
- 26 information demonstrating that the defendant has committed a
- 27 potentially disease transmitting offense. The court shall set the matter
- 28 for hearing not later than forty-eight (48) hours after the prosecuting
- 29 attorney files a petition under this subsection. The alleged victim, the
- 30 parent, guardian, or custodian of an alleged victim who is less than
- 31 eighteen (18) years of age, and the parent, guardian, or custodian of an
- 32 alleged victim who is an endangered adult (as defined in IC 12-10-3-2)
- 33 are entitled to receive notice of the hearing and are entitled to attend
- 34 the hearing. The defendant and the defendant's counsel are entitled to
- 35 receive notice of the hearing and are entitled to attend the hearing. If,
- 36 following the hearing, the court finds probable cause to believe that the
- 37 defendant has committed a potentially disease transmitting offense, the
- 38 court may order the defendant to submit to a screening test for one (1)
- 39 or more dangerous diseases. If the defendant is charged with battery
- 40 (IC 35-42-2-1(b)(2)), the court may limit testing under this subsection
- 41 to a test only for human immunodeficiency virus (HIV). However, the
- 42 court may order additional testing for human immunodeficiency virus



(HIV) as may be medically appropriate. The court shall take actions to ensure the confidentiality of evidence introduced at the hearing.

(d) This subsection applies only to a defendant who has been charged with an offense involving the transmission of a bodily fluid. At the request of an alleged victim of the offense, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), the prosecuting attorney shall petition a court to order a defendant charged with the commission of an offense involving the transmission of a bodily fluid to submit to a screening test to determine whether the defendant is infected with a dangerous disease. In the petition, the prosecuting attorney must set forth information demonstrating that:

(1) the defendant has committed an offense; and

(2) a bodily fluid was transmitted from the defendant to the victim in connection with the commission of the offense.

The court shall set the matter for hearing not later than forty-eight (48) hours after the prosecuting attorney files a petition under this subsection. The alleged victim of the offense, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, and the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2) are entitled to receive notice of the hearing and are entitled to attend the hearing. The defendant and the defendant's counsel are entitled to receive notice of the hearing and are entitled to attend the hearing. If, following the hearing, the court finds probable cause to believe that the defendant has committed an offense and that a bodily fluid was transmitted from the defendant to the alleged victim in connection with the commission of the offense, the court may order the defendant to submit to a screening test for one (1) or more dangerous diseases. If the defendant is charged with battery (IC 35-42-2-1(b)(2)), the court may limit testing under this subsection to a test only for human immunodeficiency virus (HIV). However, the court may order additional testing for human immunodeficiency virus (HIV) as may be medically appropriate. The court shall take actions to ensure the confidentiality of evidence introduced at the hearing.

(e) The testimonial privileges applying to communication between a husband and wife and between a health care provider and the health care provider's patient are not sufficient grounds for not testifying or providing other information at a hearing conducted in accordance with this section.

(f) A health care provider (as defined in IC 16-18-2-163) who



discloses information that must be disclosed to comply with this section is immune from civil and criminal liability under Indiana statutes that protect patient privacy and confidentiality.

(g) The results of a screening test conducted under this section shall be kept confidential if the defendant ordered to submit to the screening test under this section has not been convicted of the potentially disease transmitting offense or offense involving the transmission of a bodily fluid with which the defendant is charged. The results may not be made available to any person or public or private agency other than the following:

- (1) The defendant and the defendant's counsel.
- (2) The prosecuting attorney.
- (3) The department of correction or the penal facility, juvenile detention facility, or secure private facility where the defendant is housed.
- (4) The alleged victim or the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), and the alleged victim's counsel.

The results of a screening test conducted under this section may not be admitted against a defendant in a criminal proceeding or against a child in a juvenile delinquency proceeding.

(h) As soon as practicable after a screening test ordered under this section has been conducted, the alleged victim or the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), and the victim's counsel shall be notified of the results of the test.

(i) An alleged victim may disclose the results of a screening test to which a defendant is ordered to submit under this section to an individual or organization to protect the health and safety of or to seek compensation for:

- (1) the alleged victim;
- (2) the alleged victim's sexual partner; or
- (3) the alleged victim's family.

(j) The court shall order a petition filed and any order entered under this section sealed.

(k) A person that knowingly or intentionally:

- (1) receives notification or disclosure of the results of a screening test under this section; and
- (2) discloses the results of the screening test in violation of this



1 section;
2 commits a Class B misdemeanor.

3 SECTION 37. IC 16-41-8-6, AS ADDED BY P.L.94-2010,
4 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2015]: Sec. 6. (a) If an ~~indictment~~ or information alleges that
6 the defendant compelled another person to engage in sexual activity by
7 force or threat of force, the alleged victim of the offense described in
8 the ~~indictment~~ or information may request that the defendant against
9 whom the ~~indictment~~ or information is filed be tested for the human
10 immunodeficiency virus (HIV).

11 (b) Not later than forty-eight (48) hours after an alleged victim
12 described in subsection (a) requests that the defendant be tested for the
13 human immunodeficiency virus (HIV), the defendant must be tested for
14 the human immunodeficiency virus (HIV).

15 (c) As soon as practicable, the results of a test for the human
16 immunodeficiency virus (HIV) conducted under subsection (b) shall be
17 sent to:

- 18 (1) the alleged victim;
- 19 (2) the parent or guardian of the alleged victim, if the alleged
20 victim is less than eighteen (18) years of age; and
- 21 (3) the defendant.

22 (d) If follow-up testing of the defendant for the human
23 immunodeficiency virus (HIV) is necessary, the results of follow-up
24 testing of the defendant shall be sent to:

- 25 (1) the alleged victim;
- 26 (2) the parent or guardian of the alleged victim if the alleged
27 victim is less than eighteen (18) years of age; and
- 28 (3) the defendant.

29 SECTION 38. IC 16-42-19-26 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 26. In:

- 31 (1) any complaint, information, ~~or~~ affidavit; ~~or indictment~~; and
- 32 (2) any action or proceeding brought for the enforcement of any
33 provision of this chapter;

34 it is not necessary to negate an exception, excuse, proviso, or
35 exemption contained in this chapter. The burden of proof of such an
36 exception, excuse, proviso, or exemption is upon the defendant.

37 SECTION 39. IC 16-42-20-6 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) It is not necessary
39 for the state to negate any exemption or exception in this chapter or in
40 IC 35-48 in a complaint, an information, ~~an indictment~~, or other
41 pleading or in a trial, hearing, or other proceeding under this chapter or
42 under IC 35-48. The burden of proof of an exemption or exception is



on the person claiming the exemption or exception.

(b) In the absence of proof that a person is the duly authorized holder of an appropriate registration or order form issued under IC 35-48-3, a person is presumed not to be the holder of the registration or form.

SECTION 40. IC 23-2-6-42 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 42. If a person claims an exemption in any complaint, information, ~~indictment~~, writ, or proceeding under this chapter:

(1) the commissioner is not required to disprove the exemption; and

(2) the party claiming the exemption bears the burden of proof concerning the existence of the exemption.

SECTION 41. IC 23-2-6-43 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 43. In any complaint, information, ~~indictment~~, writ, or proceeding brought under this chapter that alleges a violation of section 17 of this chapter solely on the failure in an individual case to make physical delivery within the applicable time under section 19(a)(2) of this chapter, it is a defense if both of the following are shown:

(1) Failure to make physical delivery was due solely to factors beyond the control of all of the following:

(A) The seller.

(B) Officers, directors, partners, agents, servants, or employees of the seller.

(C) Each person occupying a similar status or performing similar functions as a person described in clause (B).

(D) Each person who directly or indirectly controls or is controlled by the seller or by any person described in clause (B) or (C).

(E) The seller's affiliates, subsidiaries, and successors.

(2) Physical delivery was completed within a reasonable time under the applicable circumstances.

SECTION 42. IC 23-19-7-10, AS ADDED BY P.L.85-2012, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. This chapter does not limit or negate any right or obligation of any individual to ~~present evidence to a grand jury or to~~ share evidence with potential witnesses or defendants in the course of an ongoing criminal investigation.

SECTION 43. IC 24-1-1-6 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 6: It shall be the duty of the judges of the circuit courts of this state specially to instruct the grand juries as to the provisions of~~



1 ~~this chapter.~~

2 SECTION 44. IC 24-1-2-5 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. It shall be the duty
 4 of the attorney general and of the prosecuting attorney of each judicial
 5 circuit to institute appropriate proceedings to prevent and restrain
 6 violations of the provisions of this chapter or any other statute or the
 7 common law relating to the subject matter of this chapter and to
 8 prosecute any person or persons guilty of having violated any of the
 9 penal provisions thereof. In all criminal proceedings the prosecution
 10 may be by way of ~~affidavit or indictment~~ **information** the same as in
 11 other criminal matters, and the attorney general shall have concurrent
 12 jurisdiction with the prosecuting attorneys in instituting and
 13 prosecuting any such actions. All civil proceedings to prevent and
 14 restrain violations shall be in the name of the state of Indiana upon
 15 relation of the proper party. The attorney general may file such
 16 proceedings upon ~~his~~ **the attorney general's** own relation or that of
 17 any private person in any circuit or superior court of the state, without
 18 applying to such court for leave, when ~~he~~ **the attorney general** shall
 19 deem it ~~his~~ **the attorney general's** duty so to do. Such proceedings
 20 shall be by information filed by any prosecuting attorney in a circuit or
 21 superior court of the proper county upon ~~his~~ **the prosecuting**
 22 **attorney's** own relation whenever ~~he~~ **the prosecuting attorney** ~~shall~~
 23 ~~deem it his~~ **believes it is the prosecuting attorney's** duty so to do, or
 24 shall be directed by the court or governor or attorney general, and an
 25 information may be filed by any taxpayer on ~~his~~ **the taxpayer's** own
 26 relation. If judgment or decree be rendered against any domestic
 27 corporation or against any person claiming to be a corporation, the
 28 court may cause the costs to be collected by execution against the
 29 person claiming to be a corporation or by attachment against any or all
 30 of the directors or officers of the corporation, and may restrain the
 31 corporation or any director, agent, employee, or stockholder and
 32 appoint a receiver for ~~its~~ **the corporation's** property and effects, and
 33 take an accounting and make distribution of ~~its~~ **the corporation's**
 34 assets among ~~its~~ **the corporation's** creditors, and exercise any other
 35 power or authority necessary and proper for carrying out the provisions
 36 of this chapter. If judgment or decree be rendered against any
 37 corporation incorporated under the laws of the United States, or of any
 38 district or territory thereof, or of any state other than this state, or of any
 39 foreign country, the court may cause the costs to be collected as in this
 40 section provided and may render judgment and decree of ouster
 41 perpetually excluding such corporation from the privilege of
 42 transacting business in the state of Indiana and forfeiting to the school



1 fund any or all property of such corporation within the state, and shall
 2 exercise such power and authority with regard to the property of such
 3 corporation as may be exercised with regard to that of domestic
 4 corporations.

5 SECTION 45. IC 24-1-2-11 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. Any person or
 7 officer, agent, or employee of a corporation may be examined as a
 8 witness or a party as in other cases, in any civil action instituted under
 9 the provisions of this chapter and required to disclose all the facts
 10 relevant to the case in **his the witness's or party's** knowledge as
 11 provided in this chapter, but the testimony of such witness or party or
 12 any answer to any question propounded to **him the witness or party** in
 13 such examination shall not be used against such witness or party in any
 14 criminal prosecution except in case of perjury committed by **him the**
 15 **witness or party** therein; and **he the witness or party** shall not be
 16 liable to **criminal** trial ~~by indictment or affidavit~~ or to punishment for
 17 any offense inquired about. ~~provided;~~ However, ~~that~~ such exemption
 18 shall be personal to such witness **or party** and shall not exempt or
 19 render immune the corporation of which such witness **or party** shall
 20 be an officer, agent, or employee, and such corporation shall be as
 21 liable for any violation of this chapter as if such officer, agent, or
 22 employee had not so testified.

23 SECTION 46. IC 25-4-1-4, AS AMENDED BY P.L.194-2005,
 24 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2015]: Sec. 4. The board shall be entitled to the services of the
 26 attorney general in connection with any of the business of the board.
 27 The board shall have the power to administer oaths and take testimony
 28 and proofs concerning any matter which may come within its
 29 jurisdiction. The attorney general, the prosecuting attorney of any
 30 county, the board, or a citizen of a county wherein any person, not
 31 herein exempted, shall engage in the practice of architecture or
 32 landscape architecture, as herein defined, without first having obtained
 33 a certificate of registration, or without first having renewed an expired
 34 certificate of registration, so to practice, may, in accordance with the
 35 provisions of the laws of this state governing injunctions, maintain an
 36 action, in the name of the state of Indiana, to enjoin such person from
 37 engaging in the practice of architecture or landscape architecture, as
 38 herein defined, until a certificate of registration is secured, or renewed,
 39 in accordance with the provisions of this chapter. Any person who has
 40 been so enjoined and who violates the injunction shall be punished for
 41 contempt of court. The injunction shall not relieve such person so
 42 practicing architecture or landscape architecture without a certificate



1 of registration, or without first having renewed an expired certificate of
 2 registration, from a criminal prosecution therefor, as is provided by this
 3 chapter, but such remedy by injunction shall be in addition to any
 4 remedy provided for herein for the criminal prosecution of such
 5 offender. In charging any person in a complaint for an injunction or in
 6 an affidavit ~~or information or indictment~~, with the violation of the
 7 provisions of this chapter, by practicing architecture or landscape
 8 architecture without a certificate of registration or without having
 9 renewed an expired certificate of registration, it shall be sufficient to
 10 charge that the person did upon a certain day and in a certain county
 11 engage in the practice of architecture or landscape architecture, without
 12 having a certificate of registration or without having renewed an
 13 expired certificate of registration, to so practice, without averring any
 14 further or more particular facts concerning the same. The attorney
 15 general and the Indiana professional licensing agency may use the
 16 registered architects and registered landscape architects investigative
 17 fund established by section 32 of this chapter to hire investigators and
 18 other employees to enforce the provisions of this article and to
 19 investigate and prosecute violations of this article.

20 SECTION 47. IC 25-6.1-7-4 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. ~~Affidavits;~~
 22 ~~Informations; Indictments.~~ In charging any person in an affidavit **or**
 23 information ~~or indictment~~ with a violation of this article by carrying on
 24 (without a license obtained under, or pursuant to an exemption defined
 25 in, this article) an activity for the carrying-on of which a license issued
 26 under, or an exemption defined in, this article is required, it shall be
 27 sufficient to charge that the person did, upon a certain day and in a
 28 certain county, engage in such an activity and that ~~he or it~~ **the person**
 29 did not have a license to do so or an exemption (defined in this article)
 30 permitting ~~him or it~~ **the person** to do so. No further or more particular
 31 facts need be averred concerning the matter.

32 SECTION 48. IC 25-14-1-14 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 14. The attorney
 34 general, prosecuting attorney, the state board of dentistry, or any citizen
 35 of any county where any person shall engage in the practice of
 36 dentistry, as herein defined, without possessing a valid license so to do,
 37 may, in accordance with the laws of the state of Indiana governing
 38 injunctions, maintain an action in the name of the state of Indiana to
 39 enjoin such person from engaging in the practice of dentistry, as herein
 40 defined, until a valid license to practice dentistry be secured. ~~And~~ Any
 41 person who has been so enjoined who shall violate such injunction
 42 shall be punished for contempt of court. ~~Provided, that~~ **However**, such



injunction shall not relieve such person so practicing dentistry without a valid license from a criminal prosecution therefor as is now provided by law, but such remedy by injunction shall be in addition to any remedy now provided for the criminal prosecution of such offender. In charging any person in a complaint for injunction, or in an affidavit **or** information, ~~or indictment~~, with a violation of this law by practicing dentistry without a valid license, it shall be sufficient to charge that such person did, upon a certain day and in a certain county, engage in the practice of dentistry, ~~he the person~~ not having a valid license so to do, without averring any further or more particular facts concerning the same.

SECTION 49. IC 25-22.5-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. ~~Injunctions~~. The attorney general, prosecuting attorney, the board, or any citizen of any county where any person engages in the practice of medicine or osteopathic medicine without a license or a permit to do so, may, according to the laws of Indiana governing injunctions, maintain an action in the name of the state of Indiana to enjoin the person from engaging in the practice of medicine or osteopathic medicine. In charging any person in an affidavit **or** information ~~or indictment~~, with a violation of this law by practicing medicine or osteopathic medicine without a license or permit, it is sufficient to charge that ~~he the person~~ did, upon a certain day and in a certain county, engage in the unlawful practice of medicine or osteopathic medicine and that ~~he the person~~ did not have any license or permit to do so. No further or more particular fact need be averred concerning the matter.

SECTION 50. IC 25-38.1-4-12, AS ADDED BY P.L.2-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) If a person engages in the practice of veterinary medicine without a license or certificate issued under this article:

- (1) the attorney general;
- (2) a prosecuting attorney;
- (3) the board; or
- (4) a citizen;

may maintain an action in the name of the state to enjoin the person from engaging in the practice of veterinary medicine.

(b) In charging a person under subsection (a) in an affidavit **or** information ~~or indictment~~ with a violation of this article, it is sufficient to charge that the person did, on a certain date and in a certain county, engage in the practice of veterinary medicine without a license or permit issued under this article.



SECTION 51. IC 28-1-7.5-4, AS AMENDED BY P.L.137-2014, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) The bank, trust company, corporate fiduciary, or stock savings bank and the holding company shall file with the department three (3) copies of the plan of exchange certified by an officer of each as having been approved in accordance with section 3 of this chapter. They shall also file a statement ~~which~~ **that** includes:

(1) information as to the earnings and financial condition of the bank, trust company, corporate fiduciary, or stock savings bank as of the end of its last preceding year as filed with the department, and similar information, to the extent readily available, as of a date not earlier than one hundred twenty (120) days before the filing of the plan of exchange;

(2) a balance sheet of the holding company as of the date of the most recent statement of condition of the bank, trust company, corporate fiduciary, or stock savings bank required by subdivision (1);

(3) a pro forma balance sheet of the holding company based on the assumption that the plan of exchange was effective as proposed at the date of the balance sheet of the holding company required by subdivision (2);

(4) a description of the business intended to be done by the holding company and of any plans or proposals that the holding company may have to sell its assets or merge or consolidate with any other person, or to make any other material change in its investment policy, business, corporate structures, or management;

(5) a list of all persons who are or who have been selected to become directors or officers of the holding company, a description of their principal occupations, a list of all offices and positions held by them during the past five (5) years, and information about whether any of them:

(A) is under indictment for or **has been charged with; or**

(B) has been convicted of;

a felony involving fraud, deceit, or misrepresentation under the laws of Indiana or any other jurisdiction;

(6) a description of any plans or proposals that the holding company may have to liquidate the bank, trust company, corporate fiduciary, or stock savings bank to sell its assets or merge or consolidate it with any person, or to make any other material change in its investment policy, business, corporate structure, or management;



(7) a copy of a preliminary proxy or information statement prepared for distribution to the shareholders of the bank, trust company, corporate fiduciary, or stock savings bank setting forth all material facts relating to the holding company and the proposed plan of exchange; and
 (8) such other information as the director may prescribe.

(b) The statement must:

(1) assert the completeness and accuracy of the information referred to in subsection (a)(1) through (a)(8); and
 (2) be made under oath or affirmation by an officer of the bank, trust company, corporate fiduciary, or stock savings bank and an officer of the holding company.

If any material change occurs in the facts set forth in the statement filed with the department, an amendment setting forth the change, together with copies of all documents and other material relevant to the change, shall be filed with the department within five (5) business days after the parties learn of the change.

SECTION 52. IC 28-1-29-5, AS AMENDED BY P.L.216-2013, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) Every person doing business as a debt management company shall make application to the department for a license to engage in such business. Such application shall be in the form prescribed by the director and shall contain such information as the director may require.

(b) The department may not issue a license unless the department finds that the financial responsibility, character, and fitness of:

(1) the applicant and any significant affiliate of the applicant;
 (2) each executive officer, director, or manager of the applicant, or any other individual having a similar status or performing a similar function for the applicant;
 (3) if known, each person directly or indirectly owning of record or owning beneficially at least ten percent (10%) of the outstanding shares of any class of equity security of the applicant; and
 (4) each of the applicant's:
 (A) employees; or
 (B) agents;

authorized to initiate transactions involving the trust account required under section 9 of this chapter;
 warrant belief that the business will be operated honestly and fairly under this chapter. The department is entitled to request evidence of an applicant's financial responsibility, character, and fitness.



(c) An application submitted under this section must indicate whether any individuals described in subsection (b)(2), (b)(3), or (b)(4):

- (1) are, at the time of the application, **named in an information or** under indictment for a felony under Indiana law or the laws of any other jurisdiction; or
- (2) have been convicted of a felony under Indiana law or the laws of any other jurisdiction.

(d) Unless waived upon written request to and approval by the director, an application submitted to the department under this section must include copies of the applicant's audited financial statements for the applicant's most recently concluded fiscal year and, if available, for the applicant's two (2) fiscal years immediately preceding the applicant's most recently concluded fiscal year, including a:

- (1) balance sheet;
- (2) statement of income or loss;
- (3) statement of changes in shareholder equity; and
- (4) statement of changes in financial position.

A financial statement required to be submitted under this subsection must be prepared by an independent certified public accountant authorized to do business in the United States in accordance with AICPA Statements on Standards for Accounting and Review Services (SSARS).

(e) The department may deny an application under this section if the director of the department determines that the application was submitted for the benefit of, or on behalf of, a person who does not qualify for a license.

(f) Upon written request, an applicant is entitled to a hearing under IC 4-21.5 on the question of the qualifications of the applicant for a license.

SECTION 53. IC 28-7-5-4, AS AMENDED BY P.L.137-2014, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) Application for a pawnbroker's license shall be submitted on a form prescribed by the director and must include all information required by the director. An application submitted under this section must identify the location or locations at which the applicant proposes to engage in business as a pawnbroker in Indiana. If any business, other than the business of acting as a pawnbroker under this chapter, will be conducted by the applicant or another person at any location identified under this subsection, the applicant shall indicate for each location at which another business will be conducted:

- (1) the nature of the other business;



- (2) the name under which the other business operates;
- (3) the address of the principal office of the other business;
- (4) the name and address of the business's resident agent in Indiana; and
- (5) any other information the director may require.

(b) An application submitted under this section must indicate whether any individual described in section 8(a)(2) or 8(a)(3) of this chapter at the time of the application:

- (1) **has been charged with or** is under indictment for a felony under the laws of Indiana or any other jurisdiction; or
- (2) has been convicted of a felony under the laws of Indiana or any other jurisdiction.

(c) The director may request that the applicant provide evidence of compliance with this section at:

- (1) the time of application;
- (2) the time of renewal of a license; or
- (3) any other time considered necessary by the director.

(d) For purposes of subsection (c), evidence of compliance with this section may include:

- (1) criminal background checks, including a national criminal history background check (as defined in IC 10-13-3-12) by the Federal Bureau of Investigation for any individual described in subsection (b);
- (2) credit histories; and
- (3) other background checks considered necessary by the director.

If the director requests a national criminal history background check under subdivision (1) for an individual described in that subdivision, the director shall require the individual to submit fingerprints to the department or to the state police department, as appropriate, at the time evidence of compliance is requested under subsection (c). The individual to whom the request is made shall pay any fees or costs associated with the fingerprints and the national criminal history background check. The national criminal history background check may be used by the director to determine the individual's compliance with this section. The director or the department may not release the results of the national criminal history background check to any private entity.

SECTION 54. IC 28-8-4-39 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 39. A licensee shall file a written report with the director not later than fifteen (15) days after the occurrence of one (1) or more of the following events:

- (1) The filing for bankruptcy or reorganization by the licensee.



(2) The institution of revocation or suspension proceedings against the licensee by a state or governmental authority with regard to the licensee's money transmission activities.

(3) ~~A felony indictment of~~ The licensee or ~~of~~ a key officer or director of the licensee **is named in an information or indictment under the laws of Indiana or any other jurisdiction** related to money transmission activities.

(4) A felony conviction of the licensee or a key officer or director of the licensee related to money transmission activities.

The written report must give details concerning the event.

SECTION 55. IC 28-8-5-11, AS AMENDED BY P.L.137-2014, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) A person shall not engage in the business of cashing checks for consideration without first obtaining a license.

(b) Each application for a license shall be in writing in such form as the director may prescribe and shall include all of the following:

(1) The following information pertaining to the applicant:

(A) Name.

(B) Residence address.

(C) Business address.

(2) The following information pertaining to any individual described in section 12(b)(1) of this chapter:

(A) Name.

(B) Residence address.

(C) Business address.

(D) Whether the person:

(i) is, at the time of the application, **named in an information or** under indictment for a felony under the laws of Indiana or any other jurisdiction; or

(ii) has been convicted of a felony under the laws of Indiana or any other jurisdiction.

(3) The address where the applicant's office or offices will be located. If any business, other than the business of cashing checks under this chapter, will be conducted by the applicant or another person at any of the locations identified under this subdivision, the applicant shall indicate for each location at which another business will be conducted:

(A) the nature of the other business;

(B) the name under which the other business operates;

(C) the address of the principal office of the other business;

(D) the name and address of the business's resident agent in Indiana; and



- 1 (E) any other information that the director may require.
- 2 (4) If the department of state revenue notifies the department that
- 3 a person is on the most recent tax warrant list, the department
- 4 shall not issue or renew the person's license until:
- 5 (A) the person provides to the department a statement from the
- 6 department of state revenue that the person's tax warrant has
- 7 been satisfied; or
- 8 (B) the department receives a notice from the commissioner of
- 9 the department of state revenue under IC 6-8.1-8-2(k).
- 10 (5) Such other data, financial statements, and pertinent
- 11 information as the director may require.
- 12 (c) The application shall be filed with a nonrefundable fee fixed by
- 13 the department under IC 28-11-3-5.
- 14 SECTION 56. IC 28-11-4-3, AS AMENDED BY P.L.137-2014,
- 15 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 JULY 1, 2015]: Sec. 3. (a) If the director determines that a current or
- 17 former director, officer, or employee of a financial institution has:
- 18 (1) committed a violation of a statute, a rule, a final cease and
- 19 desist order, any condition imposed in writing by the director in
- 20 connection with the grant of any application or other request by
- 21 the financial institution, or any written agreement between the
- 22 financial institution and the director or the department;
- 23 (2) engaged or participated in an unsafe or unsound practice in
- 24 connection with the financial institution;
- 25 (3) committed or engaged in an act, an omission, or a practice that
- 26 constitutes a breach of fiduciary duty as director, officer, or
- 27 employee; or
- 28 (4) been convicted of, or is **named in an information or** under
- 29 indictment for, a felony involving fraud, deceit, or
- 30 misrepresentation under the laws of Indiana or any other
- 31 jurisdiction;
- 32 the director, subject to subsection (b), may issue and serve upon the
- 33 officer, director, or employee a notice of the director's intent to issue an
- 34 order removing the person from the person's office or employment, an
- 35 order prohibiting any participation by the person in the conduct of the
- 36 affairs of any financial institution, or an order both removing the person
- 37 and prohibiting the person's participation.
- 38 (b) A violation, practice, or breach specified in subdivision (a) is
- 39 subject to the authority of the director under subsection (a) if the
- 40 director finds any of the following:
- 41 (1) By reason of the violation, practice, or breach, the financial
- 42 institution has suffered or will probably suffer substantial



financial loss or other damage.

(2) The interests of the financial institution's depositors could be seriously prejudiced by reason of the violation, practice, or breach of fiduciary duty.

(3) The violation, practice, or breach involves personal dishonesty on the part of the officer, director, or employee involved.

(4) The violation, practice, or breach demonstrates a willful or continuing disregard by the officer, director, or employee for the safety and soundness of the financial institution.

(c) A person who:

(1) is **named in an information or** under indictment for; or

(2) has been convicted of;

a felony involving fraud, deceit, or misrepresentation under the laws of Indiana or any other jurisdiction may not serve as a director, an officer, or an employee of a financial institution, or serve in any similar capacity, unless the person obtains the written consent of the director.

(d) A financial institution that willfully permits a person to serve the financial institution in violation of subsection (b) or (c) is subject to a civil penalty of five hundred dollars (\$500) for each day the violation continues. A civil penalty paid under this subsection must be deposited into the financial institutions fund established by IC 28-11-2-9.

SECTION 57. IC 29-3-2-0.2, AS ADDED BY P.L.220-2011, SECTION 481, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 0.2. (a) As used in this section, "affected statutes" refers to the following:

(1) IC 16-8-12-7 (repealed, now codified at IC 16-36-1-8).

(2) IC 29-1-7.5-2.

(3) IC 33-16-2-2 (repealed, now codified at IC 33-42-2-2).

(4) IC 33-19-3-2 (repealed, now codified at IC 33-37-3-2).

(5) IC 35-34-2-3 (**repealed**).

(6) IC 35-37-1-5.

(b) This article and the amendments made by P.L.169-1988 to the affected statutes apply to guardianships in existence on June 30, 1989, except to the extent that application of this article and the amendments made by P.L.169-1988 to the affected statutes would contravene any vested or contractual rights in effect on June 30, 1989, in which case the law in effect before July 1, 1989, prevails.

SECTION 58. IC 31-30-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. The prosecuting attorney shall file a copy of the waiver order with the court to which the child has been waived when the prosecuting attorney files the ~~indictment~~ or information.



SECTION 59. IC 31-33-18-1.5, AS AMENDED BY P.L.119-2013,
SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2015]: Sec. 1.5. (a) This section applies to records held by:

- (1) a local office;
- (2) the department; or
- (3) the department of child services ombudsman established by
IC 4-13-19-3;

regarding a child whose death or near fatality may have been the result
of abuse, abandonment, or neglect.

(b) For purposes of subsection (a), a child's death or near fatality
may have been the result of abuse, abandonment, or neglect if:

- (1) an entity described in subsection (a) determines that the child's
death or near fatality is the result of abuse, abandonment, or
neglect; or
- (2) a prosecuting attorney files:
 - (A) an ~~indictment~~ or information; or
 - (B) a complaint alleging the commission of a delinquent act;
that, if proven, would cause a reasonable person to believe that
the child's death or near fatality may have been the result of
abuse, abandonment, or neglect.

Upon the request of any person, or upon its own motion, the court
exercising juvenile jurisdiction in the county in which the child's death
or near fatality occurred shall determine whether the allegations
contained in the ~~indictment~~, information or complaint described in
subdivision (2), if proven, would cause a reasonable person to believe
that the child's death or near fatality may have been the result of abuse,
abandonment, or neglect.

(c) If the juvenile court finds that the child's death or near fatality
was the result of abuse, abandonment, or neglect, the court shall make
written findings and provide a copy of the findings and the ~~indictment~~,
information or complaint described under subsection (b)(2) to the
department.

(d) As used in this section:

- (1) "case" means:
 - (A) any intake report generated by the department;
 - (B) any investigation or assessment conducted by the
department; or
 - (C) ongoing involvement between the department and a child
or family that is the result of:
 - (i) a program of informal adjustment; or
 - (ii) a child in need of services action;
- for which related records and documents have not been expunged



as required by law or by a court at the time the department is notified of a fatality or near fatality;

(2) "contact" means in person communication about a case in which:

(A) the child who is the victim of a fatality or near fatality is alleged to be a victim; or

(B) the perpetrator of the fatality or near fatality is alleged to be the perpetrator;

(3) "identifying information" means information that identifies an individual, including an individual's:

(A) name, address, date of birth, occupation, place of employment, and telephone number;

(B) employer identification number, mother's maiden name, Social Security number, or any identification number issued by a governmental entity;

(C) unique biometric data, including the individual's fingerprint, voice print, or retina or iris image;

(D) unique electronic identification number, address, or routing code;

(E) telecommunication identifying information; or

(F) telecommunication access device, including a card, a plate, a code, an account number, a personal identification number, an electronic serial number, a mobile identification number, or another telecommunications service or device or means of account access; and

(4) "near fatality" has the meaning set forth in 42 U.S.C. 5106a.

(e) Unless information in a record is otherwise confidential under state or federal law, a record described in subsection (a) that has been redacted in accordance with this section is not confidential and may be disclosed to any person who requests the record. The person requesting the record may be required to pay the reasonable expenses of copying the record.

(f) When a person requests a record described in subsection (a), the entity having control of the record shall immediately transmit a copy of the record to the court exercising juvenile jurisdiction in the county in which the death or near fatality of the child occurred. However, if the court requests that the entity having control of a record transmit the original record, the entity shall transmit the original record.

(g) Upon receipt of the record described in subsection (a), the court shall, within thirty (30) days, redact the record to exclude:

(1) identifying information described in subsection (d)(3)(B) through (d)(3)(F) of a person; and



- 1 (2) all identifying information of a child less than eighteen (18)
- 2 years of age.
- 3 (h) The court shall disclose the record redacted in accordance with
- 4 subsection (g) to any person who requests the record, if the person has
- 5 paid:
- 6 (1) to the entity having control of the record, the reasonable
- 7 expenses of copying under IC 5-14-3-8; and
- 8 (2) to the court, the reasonable expenses of copying the record.
- 9 (i) The data and information in a record disclosed under this section
- 10 must include the following:
- 11 (1) A summary of the report of abuse or neglect and a factual
- 12 description of the contents of the report.
- 13 (2) The date of birth and gender of the child.
- 14 (3) The cause of the fatality or near fatality, if the cause has been
- 15 determined.
- 16 (4) Whether the department had any contact with the child or the
- 17 perpetrator before the fatality or near fatality, and, if the
- 18 department had contact, the following:
- 19 (A) The frequency of the contact with the child or the
- 20 perpetrator before the fatality or near fatality and the date on
- 21 which the last contact occurred before the fatality or near
- 22 fatality.
- 23 (B) A summary of the status of the child's case at the time of
- 24 the fatality or near fatality, including:
- 25 (i) whether the child's case was closed by the department
- 26 before the fatality or near fatality; and
- 27 (ii) if the child's case was closed as described under item (i),
- 28 the date of closure and the reasons that the case was closed.
- 29 (j) The court's determination under subsection (g) that certain
- 30 identifying information or other information is not relevant to
- 31 establishing the facts and circumstances leading to the death or near
- 32 fatality of a child is not admissible in a criminal proceeding or civil
- 33 action.
- 34 SECTION 60. IC 31-33-18-2, AS AMENDED BY P.L.123-2014,
- 35 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 36 JULY 1, 2015]: Sec. 2. The reports and other material described in
- 37 section 1(a) of this chapter and the unredacted reports and other
- 38 material described in section 1(b) of this chapter shall be made
- 39 available only to the following:
- 40 (1) Persons authorized by this article.
- 41 (2) A legally mandated public or private child protective agency
- 42 investigating a report of child abuse or neglect or treating a child



or family that is the subject of a report or record.

(3) Any of the following who are investigating a report of a child who may be a victim of child abuse or neglect:

(A) A police officer or other law enforcement agency.

(B) A prosecuting attorney.

(C) A coroner, in the case of the death of a child.

(4) A physician who has before the physician a child whom the physician reasonably suspects may be a victim of child abuse or neglect.

(5) An individual legally authorized to place a child in protective custody if:

(A) the individual has before the individual a child whom the individual reasonably suspects may be a victim of abuse or neglect; and

(B) the individual requires the information in the report or record to determine whether to place the child in protective custody.

(6) An agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record or a parent, guardian, custodian, or other person who is responsible for the child's welfare.

(7) An individual named in the report or record who is alleged to be abused or neglected or, if the individual named in the report is a child or is otherwise incompetent, the individual's guardian ad litem or the individual's court appointed special advocate, or both.

(8) Each parent, guardian, custodian, or other person responsible for the welfare of a child named in a report or record and an attorney of the person described under this subdivision, with protection for the identity of reporters and other appropriate individuals.

(9) A court, for redaction of the record in accordance with section 1.5 of this chapter, or upon the court's finding that access to the records may be necessary for determination of an issue before the court. However, except for disclosure of a redacted record in accordance with section 1.5 of this chapter, access is limited to in camera inspection unless the court determines that public disclosure of the information contained in the records is necessary for the resolution of an issue then pending before the court.

~~(10) A grand jury upon the grand jury's determination that access to the records is necessary in the conduct of the grand jury's official business.~~

~~(11)~~ (10) An appropriate state or local official responsible for



child protection services or legislation carrying out the official's official functions.

~~(12)~~ **(11)** A foster care review board established by a juvenile court under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the court's determination that access to the records is necessary to enable the foster care review board to carry out the board's purpose under IC 31-34-21.

~~(13)~~ **(12)** The community child protection team appointed under IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to enable the team to carry out the team's purpose under IC 31-33-3.

~~(14)~~ **(13)** A person about whom a report has been made, with protection for the identity of:

(A) any person reporting known or suspected child abuse or neglect; and

(B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.

~~(15)~~ **(14)** An employee of the department, a caseworker, or a juvenile probation officer conducting a criminal history check under IC 31-26-5, IC 31-34, or IC 31-37 to determine the appropriateness of an out-of-home placement for a:

(A) child at imminent risk of placement;

(B) child in need of services; or

(C) delinquent child.

The results of a criminal history check conducted under this subdivision must be disclosed to a court determining the placement of a child described in clauses (A) through (C).

~~(16)~~ **(15)** A local child fatality review team established under IC 16-49-2.

~~(17)~~ **(16)** The statewide child fatality review committee established by IC 16-49-4.

~~(18)~~ **(17)** The department.

~~(19)~~ **(18)** The division of family resources, if the investigation report:

(A) is classified as substantiated; and

(B) concerns:

(i) an applicant for a license to operate;

(ii) a person licensed to operate;

(iii) an employee of; or

(iv) a volunteer providing services at;

a child care center licensed under IC 12-17.2-4 or a child care home licensed under IC 12-17.2-5.



1 ~~(20)~~ **(19)** A citizen review panel established under
 2 IC 31-25-2-20.4.

3 ~~(21)~~ **(20)** The department of child services ombudsman
 4 established by IC 4-13-19-3.

5 ~~(22)~~ **(21)** The state superintendent of public instruction with
 6 protection for the identity of:

7 (A) any person reporting known or suspected child abuse or
 8 neglect; and

9 (B) any other person if the person or agency making the
 10 information available finds that disclosure of the information
 11 would be likely to endanger the life or safety of the person.

12 ~~(23)~~ **(22)** The state child fatality review coordinator employed by
 13 the state department of health under IC 16-49-5-1.

14 ~~(24)~~ **(23)** A person who operates a child caring institution, group
 15 home, or secure private facility if all the following apply:

16 (A) The child caring institution, group home, or secure private
 17 facility is licensed under IC 31-27.

18 (B) The report or other materials concern:

19 (i) an employee of;

20 (ii) a volunteer providing services at; or

21 (iii) a child placed at;

22 the child caring institution, group home, or secure private
 23 facility.

24 (C) The allegation in the report occurred at the child caring
 25 institution, group home, or secure private facility.

26 ~~(25)~~ **(24)** A person who operates a child placing agency if all the
 27 following apply:

28 (A) The child placing agency is licensed under IC 31-27.

29 (B) The report or other materials concern:

30 (i) a child placed in a foster home licensed by the child
 31 placing agency;

32 (ii) a person licensed by the child placing agency to operate
 33 a foster family home;

34 (iii) an employee of the child placing agency or a foster
 35 family home licensed by the child placing agency; or

36 (iv) a volunteer providing services at the child placing
 37 agency or a foster family home licensed by the child placing
 38 agency.

39 (C) The allegations in the report occurred in the foster family
 40 home or in the course of employment or volunteering at the
 41 child placing agency or foster family home.

42 SECTION 61. IC 31-34-7-4 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. A person who is accused of committing child abuse or neglect is entitled under ~~IC 31-33-18-2(14)~~ **IC 31-33-18-2(13)** to access to a report relevant to an alleged accusation.

SECTION 62. IC 33-28-5-12, AS AMENDED BY P.L.118-2007, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) Under the supervision of the supervising judge, the jury administrator shall prepare a written plan for the selection of ~~grand and~~ petit jurors in the county. The plan must be designed to achieve the objectives of this chapter. The plan must specify the following:

- (1) Source of names for the master list.
- (2) Form of the master list.
- (3) Method of selecting names from the master list.
- (4) Methods for maintaining records of names drawn, jurors qualified, and jurors' deferrals and reasons to be deferred, including specifying any necessary forms.
- (5) Method of drawing names of qualified jurors for prospective service.
- (6) Procedures to be followed by prospective jurors in requesting to be deferred from jury service.
- (7) Number of petit jurors that constitutes a panel for civil and criminal cases or a description of the uniform manner in which this determination is made.
- (8) ~~That upon receipt of an order for a grand jury, the jury administrator shall publicly, and in accordance with section 20 of this chapter, draw at random from the jury pool twelve (12) qualified jurors and direct them to appear before the supervising judge. The supervising judge shall randomly select six (6) jurors after:~~

(A) ~~explaining to the twelve (12) prospective jurors the duties and responsibilities of a grand jury; and~~

(B) ~~deferring jurors under section 18 of this chapter.~~

(b) The plan must be submitted by the jury administrator to the judges of the courts. The judges of the courts shall approve or direct modification of the plan not later than sixty (60) days after its receipt. If the plan is found not to comply, the court shall order the jury administrator to make the necessary changes to bring the plan into compliance. The approved plan must go into effect not later than sixty (60) days after the plan is approved by the judges of the courts.

(c) The plan may be modified at any time according to the procedure specified under this chapter.



(d) The plan is a public document on file in the office of the jury administrator and must be available for inspection at all reasonable times.

SECTION 63. IC 33-28-5-14, AS AMENDED BY P.L.118-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 14. (a) Names must be drawn for the jury pool at least one (1) time each year based on a calendar year commencing in January. Drawing of names for the first jury pool for a calendar year must be held during the last quarter of the calendar year preceding the calendar year for which names are being drawn, at a time and place prescribed by the jury administrator.

(b) The number of names required to be drawn from the jury pool for jury service must be determined by the jury administrator after consultation with all judges of the courts who may conduct jury trials. ~~taking into consideration the number of jurors required for the grand jury.~~

(c) The frequency of the drawing of names to be summoned for jury service may be increased by the jury administrator if the jury administrator determines it necessary for purposes of fairness, efficiency, or to ensure compliance with this chapter.

(d) Names to be summoned for jury service must be drawn randomly under section 20 of this chapter.

(e) Except by order of the supervising judge, names drawn from the jury pool to be summoned for jury service may not be returned to the jury pool until all nonexempt persons in the jury pool have been called.

(f) This section shall be construed liberally, to the effect that

~~(1) an indictment may not be quashed; and~~

~~(2) a trial, a judgment, an order, or a proceeding may not be reversed or held invalid~~

on the ground that the terms of this section have not been followed, unless it appears that the noncompliance was either in bad faith or was objected to promptly upon discovery and was probably harmful to the substantial rights of the objecting party.

SECTION 64. IC 33-28-5-18, AS AMENDED BY P.L.157-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 18. (a) The supervising judge or the jury administrator shall determine whether a prospective juror is qualified to serve or, if disabled but otherwise qualified, whether the prospective juror could serve with reasonable accommodation. A person who is not eligible for jury service may not serve. The facts supporting juror disqualification or exemption must be recorded under oath or affirmation. A disqualification or exemption is not authorized unless



1 supported by the facts. The jury administrator shall make a record of all
2 disqualifications.

3 (b) A prospective juror is disqualified to serve on a jury if any of the
4 following conditions exist:

5 (1) The person is not a citizen of the United States, at least
6 eighteen (18) years of age, and a resident of the county.

7 (2) The person is unable to read, speak, and understand the
8 English language with a degree of proficiency sufficient to fill out
9 satisfactorily a juror qualification form.

10 (3) The person is incapable of rendering satisfactory jury service
11 due to physical or mental disability. However, a person claiming
12 this disqualification may be required to submit a physician's or
13 authorized Christian Science practitioner's certificate confirming
14 the disability, and the certifying physician or practitioner is then
15 subject to inquiry by the court at the court's discretion.

16 (4) A guardian has been appointed for the person under IC 29-3
17 because the person has a mental incapacity.

18 (5) The person has had the right to vote revoked by reason of a
19 felony conviction and the right has not been restored.

20 (c) A person scheduled to appear for jury service has the right to
21 defer the date of the person's initial appearance for jury service one (1)
22 time upon a showing of hardship, extreme inconvenience, or necessity.
23 The court shall grant a prospective juror's request for deferral if the
24 following conditions are met:

25 (1) The prospective juror has not previously been granted a
26 deferral.

27 (2) The prospective juror requests a deferral by contacting the
28 jury administrator:

29 (A) by telephone;

30 (B) by electronic mail;

31 (C) in writing; or

32 (D) in person.

33 (3) The prospective juror selects another date on which the
34 prospective juror will appear for jury service that is:

35 (A) not more than one (1) year after the date upon which the
36 prospective juror was originally scheduled to appear; and

37 (B) a date when the court will be in session.

38 (4) The court determines that the prospective juror has
39 demonstrated that a deferral is necessary due to:

40 (A) hardship;

41 (B) extreme inconvenience; or

42 (C) necessity.



(d) A prospective juror who is at least seventy-five (75) years of age may be exempted from jury service if the prospective juror notifies the jury administrator that the prospective juror is at least seventy-five (75) years of age and wishes to be exempted from jury service.

(e) A person may not serve as a petit juror in any county if the person served as a petit juror in the same county within the previous three hundred sixty-five (365) days in a case that resulted in a verdict. The fact that a person's selection as a juror would violate this subsection is sufficient cause for challenge.

(f) ~~A grand jury~~; A petit jury or an individual juror drawn for service in one (1) court may serve in another court of the county, in accordance with orders entered on the record in each of the courts.

(g) The same petit jurors may be used in civil cases and in criminal cases.

(h) A person may not be excluded from jury service on account of race, color, religion, sex, national origin, or economic status.

SECTION 65. IC 33-28-5-21, AS AMENDED BY P.L.118-2007, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 21. (a) Not later than seven (7) days after a moving party discovers or by the exercise of diligence could have discovered grounds, but before a petit jury is sworn to try a case, a party may:

(1) in a civil case move to stay the proceedings; and

(2) in a criminal case move:

~~(A) to dismiss the indictment (if the case has been brought by indictment);~~

~~(B) (A)~~ to stay the proceedings; or

~~(C) (B)~~ for other appropriate relief;

on the ground of substantial failure to comply with this chapter in selecting the prospective grand **jurors (before the abolishment of the grand jury)** or petit jurors.

(b) Upon a motion filed under subsection (a) containing a sworn statement of facts that, if true, would constitute a substantial failure to comply with this chapter, the moving party may present evidence in support of the motion.

(c) If the court determines that in selecting either a grand jury **(before the abolishment of the grand jury)** or a petit jury there has been a substantial failure to comply with this chapter, the court:

(1) shall stay the proceedings pending the selection of the jury in conformity with this chapter; and

(2) may ~~dismiss an indictment (if the case was brought by indictment)~~ or grant other appropriate relief.



(d) The procedures required by this section are the exclusive means by which the state, a person accused of an offense, or a party in a civil case may challenge a jury on the ground that the jury was not selected in conformity with this chapter.

(e) The parties to the case may inspect, reproduce, and copy the records or papers of the jury administrator at all reasonable times during the preparation and pendency of a motion under subsection (a).

SECTION 66. IC 33-28-5-23, AS AMENDED BY P.L.118-2007, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 23. (a) A person who appears for service as a petit or grand juror serves until the conclusion of the first trial in which the juror is sworn, regardless of the length of the trial or the manner in which the trial is disposed. A person who appears for service but is not selected and sworn as a juror completes the person's service when jury selection is complete.

(b) Except by order of the supervising judge, a person who:

(1) serves as a juror under this chapter; or

(2) serves until jury selection is complete but is not chosen to serve as a juror;

may not be selected for another jury panel until all nonexempt persons in the jury pool have been called for jury duty.

SECTION 67. IC 33-29-1-8, AS AMENDED BY P.L.118-2007, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) A jury in the standard superior court shall be selected as provided in IC 33-28-5.

(b) A grand jury selected for the circuit court of the county in which the standard superior court is located shall serve as the grand jury for the standard superior court.

SECTION 68. IC 33-37-2-2, AS AMENDED BY P.L.156-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) Costs in a criminal action are not a part of the sentence and may be suspended only under section 3 of this chapter. However, if:

(1) two (2) or more charges against a person are joined for trial; and

(2) the person is convicted of two (2) or more offenses in the trial; the court may waive the person's liability for costs for all but one (1) of the offenses.

(b) If a person is acquitted or an indictment or information is dismissed by order of the court, the person is not liable for costs.

SECTION 69. IC 33-37-10-1, AS AMENDED BY P.L.118-2007, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2015]: Sec. 1. (a) A juror of a circuit, superior, county, or probate court ~~or a member of a grand jury~~ is entitled to the sum of the following:

(1) Except as provided in subsection (f), an amount for mileage at the mileage rate paid to state officers and employees for each mile necessarily traveled to and from the court.

(2) Payment at the rate of:

(A) fifteen dollars (\$15) for each day the juror is in actual attendance in court until the jury is impaneled; and

(B) forty dollars (\$40) for each day the juror is in actual attendance after impaneling and until the jury is discharged.

(b) A county fiscal body may adopt an ordinance to pay from county funds a supplemental fee in addition to the fees prescribed by subsection (a)(2).

(c) A juror of a city or town court is entitled to the sum of the following:

(1) Except as provided in subsection (f), an amount for mileage at the mileage rate paid to state officers and employees for each mile necessarily traveled to and from the court.

(2) Fifteen dollars (\$15) per day while the juror is in actual attendance.

(d) A city or town fiscal body may adopt an ordinance to pay from city or town funds a supplemental fee in addition to the fee prescribed by subsection (c)(2).

(e) For purposes of this section, a prospective juror who is summoned for jury duty and who reports to the summoning court on the day specified in the summons is in actual attendance on that day.

(f) A county, city, or town fiscal body may adopt an ordinance providing for the payment by the county, city, or town of the parking fees incurred by jurors of circuit, superior, county, and probate courts. ~~and members of grand juries.~~ If a county, city, or town fiscal body adopts an ordinance under this subsection, the county, city, or town may pay the parking fees incurred by a juror of a circuit, superior, county, or probate court ~~or a member of a grand jury~~ instead of paying the juror ~~or grand jury member~~ an amount for mileage at the rate provided in subsection (a)(1) or (c)(1).

SECTION 70. IC 33-37-10-2, AS AMENDED BY P.L.41-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) Except as provided in section 3.5 of this chapter, a witness in a criminal action may receive a fee if the witness:

(1) is summoned by the state;

(2) is named on the ~~indictment~~ or information; and



- (3) testifies under oath to a material fact in aid of the prosecution.
- (b) A fee paid under subsection (a) is the sum of the following:
- (1) An amount for mileage at the mileage rate paid to state officers for each mile necessarily traveled to and from the court.
 - (2) For each day of attendance in court equal to:
 - (A) fifteen dollars (\$15) for witnesses subpoenaed under IC 35-37-5-4; or
 - (B) five dollars (\$5) for all other witnesses.

SECTION 71. IC 33-40-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) Upon a determination by the judge of any court having criminal jurisdiction that:

- (1) the court is unable within a reasonable time to appoint an available attorney, public defender or otherwise, who is competent in the practice of law in criminal cases as legal counsel for any person charged in the court with a criminal offense and who does not have sufficient means to employ an attorney; or
- (2) in the interest of justice an attorney from another judicial circuit, not regularly practicing in the court, should be appointed to defend the indigent defendant or appeal the defendant's case, but the judge is unable within a reasonable time to provide for the direct appointment of an attorney;

the judge may make written request to the state public defender to provide a qualified attorney for the defense of the indigent person.

(b) The judge shall attach to the written request a copy of the affidavit or ~~indictment~~, **information** and state in the request the amount of the applicable minimum fee to be paid for the legal services of defense counsel in the case, subject to:

- (1) any additional amount reasonable under all the circumstances of the case, to be determined and approved by the judge upon the final determination of the case; and
- (2) reasonable partial allowances as may be approved and ordered by the judge pending final determination.

SECTION 72. IC 33-40-7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) This chapter does not prevent a court from appointing counsel other than counsel provided for under the board's plan for providing defense services to an indigent person when the interests of justice require. A court may also appoint counsel to assist counsel provided for under the board's plan as co-counsel when the interests of justice require. Expenditures by a county for defense services not provided under the county public defender board's plan are not subject to reimbursement from the public



1 defense fund under IC 33-40-6.

2 (b) A judge of a court having criminal jurisdiction may make a
3 written request to the state public defender to provide a qualified
4 attorney for the defense of a person charged in the court with a criminal
5 offense and eligible for representation at public expense if the judge
6 determines:

7 (1) that an attorney provided under the county public defender
8 board's plan is not qualified or available to represent the person;

9 or

10 (2) that in the interests of justice an attorney other than the
11 attorney provided for by the county defender board's plan should
12 be appointed.

13 The judge shall attach to the request a copy of the information. ~~or~~
14 ~~indictment~~. Expenditures for representation under this subsection shall
15 be paid by the county according to a fee schedule approved by the
16 commission. These expenditures are eligible for reimbursement from
17 the public defense fund.

18 SECTION 73. IC 34-25.5-5-1 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) Except as
20 provided in subsection (b), the court or judge shall not inquire into the
21 legality of any judgment or process by which the party is in custody, or
22 discharge the party when the term of commitment has not expired in
23 any of the following cases:

24 (1) Upon process issued by any court or judge of the United States
25 where the court or judge has exclusive jurisdiction.

26 (2) Upon any process issued on a final judgment of a court of
27 competent jurisdiction.

28 (3) For any contempt of any court, officer, or body with authority
29 to commit.

30 (4) Upon a warrant issued from the circuit court upon an
31 ~~indictment~~ or information.

32 (b) Subsection (a)(1), (a)(2), and (a)(3) do not include an order of
33 commitment, as for contempt, upon proceedings to enforce the remedy
34 of a party.

35 SECTION 74. IC 35-31.5-2-323 IS REPEALED [EFFECTIVE
36 JULY 1, 2015]. ~~Sec. 323: "Target", for purposes of IC 35-34-2, has the~~
37 ~~meaning set forth in IC 35-34-2-1.~~

38 SECTION 75. IC 35-33-2-1 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. ~~(a) Except as~~
40 ~~provided in chapter 4 of this article, whenever an indictment is filed~~
41 ~~and the defendant has not been arrested or otherwise brought within the~~
42 ~~custody of the court, the court, without making a determination of~~



probable cause, shall issue a warrant for the arrest of the defendant.

(b) (a) Whenever an information is filed and the defendant has not been arrested or otherwise brought within the custody of the court, the court shall issue a warrant for the arrest of the defendant after first determining that probable cause exists for the arrest.

(c) (b) No warrant for arrest of a person may be issued until

(1) an indictment has been found charging him with the commission of an offense; or

(2) a judge has determined that probable cause exists that the person committed a crime and an information has been filed charging him the person with a crime.

SECTION 76. IC 35-33-2-2, AS AMENDED BY P.L.2-2005, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) A warrant of arrest shall:

(1) be in writing;

(2) specify the name of the person to be arrested, or if his the person's name is unknown, shall designate such person by any name or description by which he the person can be identified with reasonable certainty;

(3) set forth the nature of the offense for which the warrant is issued;

(4) state the date and county of issuance;

(5) be signed by the clerk or the judge of the court with the title of his the clerk's or judge's office;

(6) command that the person against whom the indictment or information was filed be arrested and brought before the court issuing the warrant, without unnecessary delay;

(7) specify the amount of bail, if any; and

(8) be directed to the sheriff of the county.

(b) An arrest warrant may be in substantially the following form:

TO: _____

You are hereby commanded to arrest _____ forthwith, and hold that person to bail in the sum of _____ dollars, to answer in the _____ Court of _____ County, in the State of Indiana, an information or indictment for _____.

And for want of bail commit him the person to the jail of the County, and thereafter without unnecessary delay to bring him the person before the said court.

IN WITNESS WHEREOF, I, _____ (Clerk/Judge) of said Court, hereto affix the seal thereof, and subscribe my name at _____ this _____ day of _____ A.D. 20__.



Clerk or Judge of the Court

SECTION 77. IC 35-33-2-3, AS AMENDED BY P.L.201-2011,
SECTION 110, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The warrant is issued to the
sheriff of the county where the ~~indictment~~ or information is filed. This
warrant may be served or arrests on it made:

- (1) by any law enforcement officer;
- (2) on any day of the week; and
- (3) at any time of the day or night.

(b) A law enforcement officer may break open any outer or inner
door or window in order to execute an arrest warrant, if the officer is
not admitted following an announcement of the officer's authority and
purpose.

(c) The accused person shall be delivered to the sheriff of the county
in which the ~~indictment~~ or information was filed, and the sheriff shall
commit the accused person to jail or hold the accused person to bail as
provided in this article.

(d) A person or persons whose property is wrongfully damaged or
whose person is wrongfully injured by any law enforcement officer or
officers who wrongfully enter may recover such damage from the
responsible authority and the law enforcement officer or officers as the
court may determine. The action may be filed in the circuit court or
superior court in the county where the wrongful entry took place.

SECTION 78. IC 35-33-2-5 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. When an information
~~or indictment~~ has been dismissed, the court shall order the sheriff to
make a return on any outstanding arrest warrant or summons issued
regarding a charge stating that the charge has been dismissed. The
sheriff shall notify any law enforcement officer to whom the arrest
warrant or summons has been delivered that it has been revoked.

SECTION 79. IC 35-33-4-1, AS AMENDED BY P.L.2-2005,
SECTION 116, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2015]: Sec. 1. (a) When an ~~indictment~~ or
information is filed against a person charging ~~him~~ **the person** with a
misdemeanor, the court may, in lieu of issuing an arrest warrant under
IC 35-33-2, issue a summons. The summons must set forth
substantially the nature of the offense, and command the accused
person to appear before the court at a stated time and place. However,
the date set by the court must be at least seven (7) days after the
issuance of the summons. The summons may be served in the same
manner as the summons in a civil action.

(b) If the person summoned fails, without good cause, to appear as



1 commanded by the summons and the court has determined that there
 2 is probable cause to believe that a crime (other than failure to appear)
 3 has been committed, the court shall issue a warrant of arrest.

4 (c) If, after issuing a summons, the court:

5 (1) is satisfied that the person will not appear as commanded by
 6 the summons; and

7 (2) has determined that there is probable cause that a crime (other
 8 than failure to appear) has been committed;

9 it may at once issue a warrant of arrest.

10 (d) The summons may be in substantially the following form:

11 STATE OF INDIANA) IN THE _____ COURT
 12)
 13 vs.) OF _____ COUNTY
 14)
 15)
 16 Defendant) CAUSE NO. _____

17 SUMMONS

18 THE STATE OF INDIANA TO

19 THE ABOVE NAMED DEFENDANT:

20 YOU ARE HEREBY SUMMONED, to appear before the above
 21 designated Court at _____, _____, _____ at _____ .m. on (day)
 22 _____, _____, 20____, with respect to an information ~~or indictment~~
 23 for _____.

24 If you do not so appear, an application may be made for the Issuance
 25 of a Warrant for your arrest.

26 ISSUED: _____, 20____

27 in

28 (City or County) _____, _____

29 BY THE CLERK OF SAID COURT:

30 _____
 31 CLERK

32 (e) When any law enforcement officer in the state serves a summons
 33 on a person, ~~he~~ **the officer** shall file a return of service with the court
 34 issuing the summons. The return shall be in substantially the following
 35 form:

36 RETURN OF SERVICE

37 I hereby certify that I served this summons upon the above named
 38 defendant by delivering a copy of it and of the Information to the
 39 defendant personally or by certified mail return receipt requested, on

40 _____, 20____, at _____, _____.

41 DATED: _____, 20____.

42 (Signature) _____





(h) When any law enforcement officer issues a summons and promise to appear, ~~he~~ **the officer** shall:

(1) promptly file the summons and promise to appear and the certificate of service with the court designated in the summons and promise to appear; and

(2) provide the prosecuting attorney with a copy thereof.

SECTION 80. IC 35-33-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) When a person is arrested for a crime before a formal charge has been filed, an information ~~or indictment~~ shall be filed or be prepared to be filed at or before the initial hearing, unless the prosecuting attorney has informed the court that there will be no charges filed in the case.

(b) If the prosecuting attorney states that more time is required to evaluate the case and determine whether a charge should be filed, or if it is necessary to transfer the person to another court, then the court shall recess or continue the initial hearing for up to seventy-two (72) hours, excluding intervening Saturdays, Sundays, and legal holidays.

(c) Before recessing the initial hearing and after the ex parte probable cause determination has been made, the court shall inform a defendant charged with a felony of the rights specified in ~~subdivisions (1), (2), (3), (4), and (5) of section 5~~ **5(1) through 5(5)** of this chapter.

SECTION 81. IC 35-33-8-3.2, AS AMENDED BY P.L.35-2012, SECTION 107, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3.2. (a) A court may admit a defendant to bail and impose any of the following conditions to assure the defendant's appearance at any stage of the legal proceedings, or, upon a showing of clear and convincing evidence that the defendant poses a risk of physical danger to another person or the community, to assure the public's physical safety:

(1) Require the defendant to:

(A) execute a bail bond with sufficient solvent sureties;

(B) deposit cash or securities in an amount equal to the bail;

(C) execute a bond secured by real estate in the county, where thirty-three hundredths (0.33) of the true tax value less encumbrances is at least equal to the amount of the bail;

(D) post a real estate bond; or

(E) perform any combination of the requirements described in clauses (A) through (D).

If the court requires the defendant to deposit cash or cash and another form of security as bail, the court may require the defendant and each person who makes the deposit on behalf of the defendant to execute an agreement that allows the court to retain



all or a part of the cash to pay publicly paid costs of representation and fines, costs, fees, and restitution that the court may order the defendant to pay if the defendant is convicted. The defendant must also pay the fee required by subsection (d).

(2) Require the defendant to execute:

(A) a bail bond by depositing cash or securities with the clerk of the court in an amount not less than ten percent (10%) of the bail; and

(B) an agreement that allows the court to retain all or a part of the cash or securities to pay fines, costs, fees, and restitution that the court may order the defendant to pay if the defendant is convicted.

A portion of the deposit, not to exceed ten percent (10%) of the monetary value of the deposit or fifty dollars (\$50), whichever is the lesser amount, may be retained as an administrative fee. The clerk shall also retain from the deposit under this subdivision fines, costs, fees, and restitution as ordered by the court, publicly paid costs of representation that shall be disposed of in accordance with subsection (b), and the fee required by subsection (d). In the event of the posting of a real estate bond, the bond shall be used only to insure the presence of the defendant at any stage of the legal proceedings, but shall not be foreclosed for the payment of fines, costs, fees, or restitution. The individual posting bail for the defendant or the defendant admitted to bail under this subdivision must be notified by the sheriff, court, or clerk that the defendant's deposit may be forfeited under section 7 of this chapter or retained under subsection (b).

(3) Impose reasonable restrictions on the activities, movements, associations, and residence of the defendant during the period of release.

(4) Except as provided in section 3.6 of this chapter, require the defendant to refrain from any direct or indirect contact with an individual and, if the defendant has been charged with an offense under IC 35-46-3, any animal belonging to the individual, including if the defendant has not been released from lawful detention.

(5) Place the defendant under the reasonable supervision of a probation officer, pretrial services agency, or other appropriate public official. If the court places the defendant under the supervision of a probation officer or pretrial services agency, the court shall determine whether the defendant must pay the pretrial



services fee under section 3.3 of this chapter.

(6) Release the defendant into the care of a qualified person or organization responsible for supervising the defendant and assisting the defendant in appearing in court. The supervisor shall maintain reasonable contact with the defendant in order to assist the defendant in making arrangements to appear in court and, where appropriate, shall accompany the defendant to court. The supervisor need not be financially responsible for the defendant.

(7) Release the defendant on personal recognizance unless:

(A) the state presents evidence relevant to a risk by the defendant:

(i) of nonappearance; or

(ii) to the physical safety of the public; and

(B) the court finds by a preponderance of the evidence that the risk exists.

(8) Require a defendant charged with an offense under IC 35-46-3 to refrain from owning, harboring, or training an animal.

(9) Impose any other reasonable restrictions designed to assure the defendant's presence in court or the physical safety of another person or the community.

(b) Within thirty (30) days after disposition of the charges against the defendant, the court that admitted the defendant to bail shall order the clerk to remit the amount of the deposit remaining under subsection (a)(2) to the defendant. The portion of the deposit that is not remitted to the defendant shall be deposited by the clerk in the supplemental public defender services fund established under IC 33-40-3.

(c) For purposes of subsection (b), "disposition" occurs when the indictment or information is dismissed or the defendant is acquitted or convicted of the charges.

(d) Except as provided in subsection (e), the clerk of the court shall:

(1) collect a fee of five dollars (\$5) from each bond or deposit required under subsection (a)(1); and

(2) retain a fee of five dollars (\$5) from each deposit under subsection (a)(2).

The clerk of the court shall semiannually remit the fees collected under this subsection to the board of trustees of the Indiana public retirement system for deposit in the special death benefit fund. The fee required by subdivision (2) is in addition to the administrative fee retained under subsection (a)(2).

(e) With the approval of the clerk of the court, the county sheriff may collect the bail posted under this section. The county sheriff shall remit the bail to the clerk of the court by the following business day



1 and remit monthly the five dollar (\$5) special death benefit fee to the
2 county auditor.

3 (f) When a court imposes a condition of bail described in subsection
4 (a)(4):

5 (1) the clerk of the court shall comply with IC 5-2-9; and

6 (2) the prosecuting attorney shall file a confidential form
7 prescribed or approved by the division of state court
8 administration with the clerk.

9 SECTION 82. IC 35-33-8-4, AS AMENDED BY P.L.171-2011,
10 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2015]: Sec. 4. (a) The court shall order the amount in which
12 a person charged by an indictment or information is to be held to bail,
13 and the clerk shall enter the order on the order book and indorse the
14 amount on each warrant when issued. If no order fixing the amount of
15 bail has been made, the sheriff shall present the warrant to the judge of
16 an appropriate court of criminal jurisdiction, and the judge shall
17 indorse on the warrant the amount of bail.

18 (b) Bail may not be set higher than that amount reasonably required
19 to assure the defendant's appearance in court or to assure the physical
20 safety of another person or the community if the court finds by clear
21 and convincing evidence that the defendant poses a risk to the physical
22 safety of another person or the community. In setting and accepting an
23 amount of bail, the judicial officer shall take into account all facts
24 relevant to the risk of nonappearance, including:

25 (1) the length and character of the defendant's residence in the
26 community;

27 (2) the defendant's employment status and history and ~~his~~ **the**
28 **defendant's** ability to give bail;

29 (3) the defendant's family ties and relationships;

30 (4) the defendant's character, reputation, habits, and mental
31 condition;

32 (5) the defendant's criminal or juvenile record, insofar as it
33 demonstrates instability and a disdain for the court's authority to
34 bring ~~him~~ **the defendant** to trial;

35 (6) the defendant's previous record in not responding to court
36 appearances when required or with respect to flight to avoid
37 criminal prosecution;

38 (7) the nature and gravity of the offense and the potential penalty
39 faced, insofar as these factors are relevant to the risk of
40 nonappearance;

41 (8) the source of funds or property to be used to post bail or to pay
42 a premium, insofar as it affects the risk of nonappearance;



(9) that the defendant is a foreign national who is unlawfully present in the United States under federal immigration law; and
 (10) any other factors, including any evidence of instability and a disdain for authority, which might indicate that the defendant might not recognize and adhere to the authority of the court to bring ~~him~~ **the defendant** to trial.

SECTION 83. IC 35-33-8.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. When any person is ~~indicted~~ **named in an information** for murder, the court in which the ~~indictment~~ **information** is pending, upon motion, upon application by writ of habeas corpus, may admit the defendant to bail when it appears upon examination that the defendant is entitled to be let to bail.

SECTION 84. IC 35-33-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) When an ~~indictment~~ **or information** is pending against a defendant confined in this state under a judgment or court order, the court with jurisdiction over the pending criminal action shall, after application by the prosecuting attorney, order that the defendant be produced before the court for prosecution. The defendant shall not be entitled to release pending trial on the ~~indictment~~ **or information**. The court may order that the defendant be surrendered to the sheriff of the county in which the court issuing the order is located. The court may order the sheriff to convey the defendant from the institution and commit the defendant to the jail or to another place of custody specified in the order. If the proceeding is delayed, the court may order the defendant returned temporarily to the institution until the presence of the defendant before the court is required.

(b) When an ~~indictment~~ **or information** is pending against a defendant:

(1) confined in an institution within this state pending trial for another offense; or

(2) who has been released by order of another court pending trial before that court for another offense;

the court shall, upon motion of the prosecuting attorney, issue a warrant of detainer to the court before which the other prosecution is pending. The court to which the order of detainer is issued, shall, upon termination of the proceedings before the court, deliver custody of the defendant to the sheriff of the county in which the court issuing the warrant is situated. Upon delivery, the court shall return the warrant to the court of issuance showing such fact. A duplicate copy of the return shall be served upon the prosecuting attorney who requested the issuance of the warrant.



1 SECTION 85. IC 35-33-10-5 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. Securing Attendance
 3 of Defendant Confined in Federal Institutions. (1) A defendant against
 4 whom a criminal action is pending in a court of record of this state, and
 5 who is confined in a federal prison or other institution either within or
 6 outside this state, may, with the consent of the attorney general of the
 7 United States, be produced in such court for the purpose of criminal
 8 prosecution, pursuant to the provisions of:

9 (a) Section four thousand eighty-five of title eighteen of the
 10 United States Code as in effect on July 26, 1973; or

11 (b) subsection 2 of this section.

12 (2) When such a defendant is in federal custody as specified in
 13 subsection (1), a court in which the criminal action against such
 14 defendant is pending, may, upon application of the prosecuting attorney
 15 of such county, issue a certificate, known as a writ of habeas corpus ad
 16 prosequendum, addressed to the attorney general of the United States,
 17 certifying that such defendant has been charged by ~~indictment or~~
 18 information filed against ~~him the defendant~~ in the specified court with
 19 the offense or offenses alleged therein, and that attendance of the
 20 defendant in such court for the purpose of criminal prosecution thereon
 21 is necessary in the interest of justice and requesting the attorney
 22 general of the United States to cause such defendant to be produced in
 23 such court, under custody of a federal public servant, upon a designated
 24 date and for a period of time necessary to complete the prosecution.
 25 Upon issuing such a certificate, the court may deliver it, or cause or
 26 authorize it to be delivered, together with a certified copy of the
 27 ~~indictment or~~ information upon which it is based, to the attorney
 28 general of the United States or to ~~his the attorney general's~~
 29 representative authorized to entertain the request.

30 SECTION 86. IC 35-33-10-6 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. Securing Attendance
 32 of Defendants Who Are Outside The United States. (1) When a
 33 criminal action for a crime committed in this state is pending in a court
 34 of this state with jurisdiction over the crime against a defendant who is
 35 in a foreign country with which the United States has an extradition
 36 treaty, and when the ~~indictment or~~ information charges a crime which
 37 is specified in such treaty as an extraditable one, the prosecuting
 38 attorney of the county in which such crime was allegedly committed
 39 may make an application to the governor, requesting ~~him the governor~~
 40 to make an application to the president of the United States to institute
 41 extradition proceedings for the return of the defendant to this country
 42 and state for the purpose of prosecution of such action. The prosecuting



1 attorney's application must comply with any rules, regulations, and
 2 guidelines established by the governor for such applications and must
 3 be accompanied by all the documents required by such rules,
 4 regulations, and guidelines.

5 (2) Upon receipt of the prosecuting attorney's application, the
 6 governor, if satisfied that the defendant is in the foreign country in
 7 question, that the crime charged is an extraditable one pursuant to the
 8 treaty in question, and that there are no factors or impediments which
 9 in law preclude such an extradition, may, in ~~his~~ **the governor's**
 10 discretion, make an application, addressed to the secretary of state of
 11 the United States, requesting that the president of the United States
 12 institute extradition proceedings for the return of the defendant from
 13 such foreign country. The governor's application must comply with any
 14 rules, regulations, and guidelines established by the secretary of state
 15 for such applications and must be accompanied by all the documents
 16 required by such rules, regulations, and guidelines.

17 (3) If the governor's application is granted and the extradition is
 18 achieved or attempted, all expenses incurred therein must be borne by
 19 the county from which the application emanated.

20 (4) The provisions of this section apply equally to extradition or
 21 attempted extradition of a person who is a fugitive following the entry
 22 of a judgment of conviction against ~~him~~ **the person** in a criminal court
 23 of this state.

24 SECTION 87. IC 35-33.5-5-3 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) A law
 26 enforcement officer who has obtained knowledge under this article of
 27 the contents of an interception or of evidence derived from that
 28 interception may:

29 (1) disclose the contents to another law enforcement officer; or

30 (2) use the contents of the interception;

31 only to the extent that use or disclosure of the contents of the
 32 interception is appropriate to the proper performance of the official
 33 duties of the law enforcement officer.

34 (b) If a recorded interception is transcribed by order of a court or by
 35 a law enforcement agency, only that part of the interception that is
 36 relevant to the prosecution of a designated offense may be transcribed.

37 (c) A person, other than a law enforcement officer, who has
 38 received, by a means authorized by this article, information concerning
 39 an interception or evidence derived from an interception under this
 40 article may disclose the contents of the interception or evidence derived
 41 from the interception only while giving testimony under oath or
 42 affirmation in a criminal court proceeding. ~~or grand jury proceeding.~~



1 This subsection does not apply to a disclosure by a person of the
 2 contents of reports submitted under IC 35-33.5-2-4 and IC 35-33.5-2-5
 3 or to the contents of an interception or evidence derived from an
 4 interception that is either:

5 (1) maintained in the record of a court proceeding and made
 6 accessible to the public; or

7 (2) previously disclosed in a court proceeding that is open to the
 8 public.

9 (d) An otherwise privileged communication that is intercepted in
 10 accordance with or in violation of this article does not lose the
 11 communication's privileged character.

12 (e) When a law enforcement officer, while engaged in intercepting
 13 communications in a manner authorized by this article, intercepts
 14 communications relating to offenses other than those specified in the
 15 order of authorization, the contents of those interceptions, and evidence
 16 derived from those interceptions, may be disclosed or used as provided
 17 in subsections (a) and (c). The contents and evidence may be used
 18 under subsection (d) when authorized by the court upon a finding, on
 19 subsequent application, that the contents were otherwise intercepted in
 20 accordance with this article. A subsequent application shall be made as
 21 soon as practicable.

22 SECTION 88. IC 35-34-1-1 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) All prosecutions
 24 of crimes shall be brought in the name of the state of Indiana. ~~Any~~
 25 **Every** crime ~~may~~ **must** be charged by ~~indictment or~~ information.

26 (b) Except as provided in IC 12-15-23-6(d), all prosecutions of
 27 crimes shall be instituted by the filing of an information ~~or indictment~~
 28 by the prosecuting attorney, in a court with jurisdiction over the crime
 29 charged.

30 (c) Whenever an ~~indictment or~~ information is filed, the clerk of the
 31 court shall:

32 (1) mark the date of filing on the instrument;

33 (2) record it in a record book; and

34 (3) upon request, make a copy of it available to the defendant or
 35 ~~his~~ **the defendant's** attorney.

36 (d) The court, upon motion of the prosecuting attorney, may order
 37 that the ~~indictment or~~ information be sealed. If a court has sealed an
 38 ~~indictment or~~ information, no person may disclose the fact that an
 39 ~~indictment or~~ information is in existence or pending until the defendant
 40 has been arrested or otherwise brought within the custody of the court.
 41 However, any person may make any disclosure necessarily incident to
 42 the arrest of the defendant. A violation of this subsection is punishable



as a contempt.

SECTION 89. IC 35-34-1-2, AS AMENDED BY P.L.85-2013, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The ~~indictment or~~ information shall be in writing and allege the commission of an offense by:

- (1) stating the title of the action and the name of the court in which the ~~indictment or~~ information is filed;
- (2) stating the name of the offense in the words of the statute or any other words conveying the same meaning;
- (3) citing the statutory provision alleged to have been violated, except that any failure to include such a citation or any error in such a citation does not constitute grounds for reversal of a conviction where the defendant was not otherwise misled as to the nature of the charges against the defendant;
- (4) setting forth the nature and elements of the offense charged in plain and concise language without unnecessary repetition;
- (5) stating the date of the offense with sufficient particularity to show that the offense was committed within the period of limitations applicable to that offense;
- (6) stating the time of the offense as definitely as can be done if time is of the essence of the offense;
- (7) stating the place of the offense with sufficient particularity to show that the offense was committed within the jurisdiction of the court where the charge is to be filed;
- (8) stating the place of the offense as definitely as can be done if the place is of the essence of the offense; and
- (9) stating the name of every defendant, if known, and if not known, by designating the defendant by any name or description by which ~~he~~ **the defendant** can be identified with reasonable certainty.

(b) ~~An indictment shall be signed by:~~

- ~~(1) the foreman or five (5) members of the grand jury; and~~
- ~~(2) the prosecuting attorney or his deputy.~~

An information shall be signed by the prosecuting attorney or ~~his~~ **the prosecuting attorney's** deputy and sworn to or affirmed by ~~him~~ **the prosecuting attorney** or any other person.

(c) An ~~indictment or~~ information shall have stated upon it the names of all the material witnesses. Other witnesses may afterwards be subpoenaed by the state, but unless the name of a witness is stated on the ~~indictment or~~ information, no continuance shall be granted to the state due to the absence of the witness.

(d) The indictment or information shall be a plain, concise, and



definite written statement of the essential facts constituting the offense charged. It need not contain a formal commencement, a formal conclusion, or any other matter not necessary to the statement. Presumptions of law and matters of which judicial notice is taken need not be stated.

(e) The ~~indictment~~ **information** may be substantially in the following form:

IN THE _____ COURT OF INDIANA, 20 ____

STATE OF INDIANA

vs. CAUSE NUMBER _____

A _____ B _____

The grand jury of the county of _____ upon their oath or affirmation do present **CD, being duly sworn under oath or having affirmed, says** that AB, on the _____ day of _____ 20 ____ at the county of _____ in the state of Indiana (HERE SET FORTH THE OFFENSE CHARGED).

(f) The information may be substantially in the same form as the indictment, substituting for the words, "the grand jury of the county of _____, upon their oath or affirmation so present" the following: "CD, being duly sworn on his oath or having affirmed, says." It is not necessary in an information to state the reason why the proceeding is by information rather than indictment.

(g) (f) This section applies to a traffic offense (as defined in IC 9-13-2-183) if the traffic offense is:

(1) a felony; or

(2) a misdemeanor.

SECTION 90. IC 35-34-1-2.4, AS AMENDED BY P.L.126-2012, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2.4. (a) If an ~~indictment~~, information, pleading, motion, petition, probable cause affidavit, or other document is required to be verified or sworn under oath before it is submitted to the court in a criminal action, the document meets the requirements of the law as a sworn document if the following form or a substantially similar form is used:

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing (the following) representations are true.

Signed _____

(b) If a document complies with subsection (a), the swearing or affirming need not be done before a notary or other officer empowered to administer oaths.

(c) A person who makes a false affirmation or verification under this



section may be prosecuted under IC 35-44.1-2-1.

SECTION 91. IC 35-34-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. When an ~~indictment~~ or information which has been returned or presented to a court as authorized by law has become illegible or cannot be produced, the defendant may be tried using a copy certified by the clerk of the court.

SECTION 92. IC 35-34-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) The court may, upon motion of the defendant, dismiss the ~~indictment~~ or information upon any of the following grounds:

(1) The ~~indictment~~ or information, or any count thereof, is defective under section 6 of this chapter.

(2) Misjoinder of offenses or parties defendant, or duplicity of allegation in counts.

~~(3) The grand jury proceeding was defective.~~

~~(4)~~ (3) The ~~indictment~~ or information does not state the offense with sufficient certainty.

~~(5)~~ (4) The facts stated do not constitute an offense.

~~(6)~~ (5) The defendant has immunity with respect to the offense charged.

~~(7)~~ (6) The prosecution is barred by reason of a previous prosecution.

~~(8)~~ (7) The prosecution is untimely brought.

~~(9)~~ (8) The defendant has been denied the right to a speedy trial.

~~(10)~~ (9) There exists some jurisdictional impediment to conviction of the defendant for the offense charged.

~~(11)~~ (10) Any other ground that is a basis for dismissal as a matter of law.

(b) Except as otherwise provided, a motion under this section shall be made no later than:

(1) twenty (20) days if the defendant is charged with a felony; or

(2) ten (10) days if the defendant is charged only with one (1) or more misdemeanors;

prior to the omnibus date. A motion made thereafter may be summarily denied if based upon a ground specified in ~~subdivision subsection~~ (a)(1), (a)(2), (a)(3), or (a)(4). ~~or (a)(5) of this section.~~ A motion to dismiss based upon a ground specified in ~~subdivision subsection~~ (a)(5), (a)(6), (a)(7), (a)(8), (a)(9), or (a)(10) ~~or (a)(11) of this section~~ may be made or renewed at any time before or during trial. A motion to dismiss based upon lack of jurisdiction over the subject matter may be made at any time.

(c) Upon the motion to dismiss, a defendant who is in a position



adequately to raise more than one (1) ground in support thereof shall raise every ground upon which ~~he~~ **the defendant** intends to challenge the ~~indictment~~ or information. A subsequent motion based upon a ground not properly raised may be summarily denied. However, the court, in the interest of justice and for good cause shown, may entertain and dispose of such a motion on the merits.

(d) Upon the motion to dismiss, the court shall:

- (1) overrule the motion to dismiss;
- (2) grant the motion to dismiss and discharge the defendant; or
- (3) grant the motion to dismiss and deny discharge of the defendant if the court determines that the ~~indictment~~ or information may be cured by amendment under section 5 of this chapter and the prosecuting attorney has moved for leave to amend.

If the court grants the motion under subdivision (3) and grants the prosecuting attorney leave to amend, any prior order imposing conditions of release pending trial shall stand unless otherwise modified or removed by order of the court.

(e) If the court grants a motion under subsection (a)(3) and the prosecuting attorney informs the court on the record that the charges will be refiled within seventy-two (72) hours by information:

- (1) the court may not discharge the defendant; and
- (2) any prior order concerning release pending trial remains in force unless it is modified or removed by the court.

(f) An order of dismissal does not, of itself, constitute a bar to a subsequent prosecution of the same crime or crimes except as otherwise provided by law.

SECTION 93. IC 35-34-1-5, AS AMENDED BY P.L.158-2013, SECTION 389, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) An ~~indictment~~ or information which charges the commission of an offense may not be dismissed but may be amended on motion by the prosecuting attorney at any time because of any immaterial defect, including:

- (1) any miswriting, misspelling, or grammatical error;
- (2) any misjoinder of parties defendant or offenses charged;
- (3) the presence of any unnecessary repugnant allegation;
- (4) the failure to negate any exception, excuse, or provision contained in the statute defining the offense;
- (5) the use of alternative or disjunctive allegations as to the acts, means, intents, or results charged;
- (6) any mistake in the name of the court or county in the title of the action, or the statutory provision alleged to have been



1 violated;

2 (7) the failure to state the time or place at which the offense was
3 committed where the time or place is not of the essence of the
4 offense;

5 (8) the failure to state an amount of value or price of any matter
6 where that value or price is not of the essence of the offense; or

7 (9) any other defect which does not prejudice the substantial
8 rights of the defendant.

9 (b) The ~~indictment~~ or information may be amended in matters of
10 substance and the names of material witnesses may be added, by the
11 prosecuting attorney, upon giving written notice to the defendant at any
12 time:

13 (1) up to:

14 (A) thirty (30) days if the defendant is charged with a felony;
15 or

16 (B) fifteen (15) days if the defendant is charged only with one
17 (1) or more misdemeanors;

18 before the omnibus date; or

19 (2) before the commencement of trial;

20 if the amendment does not prejudice the substantial rights of the
21 defendant. When the information or ~~indictment~~ is amended, it shall be
22 signed by the prosecuting attorney or a deputy prosecuting attorney.

23 (c) Upon motion of the prosecuting attorney, the court may, at any
24 time before, during, or after the trial, permit an amendment to the
25 ~~indictment~~ or information in respect to any defect, imperfection, or
26 omission in form which does not prejudice the substantial rights of the
27 defendant.

28 (d) Before amendment of any ~~indictment~~ or information other than
29 amendment as provided in subsection (b), the court shall give all
30 parties adequate notice of the intended amendment and an opportunity
31 to be heard. Upon permitting such amendment, the court shall, upon
32 motion by the defendant, order any continuance of the proceedings
33 which may be necessary to accord the defendant adequate opportunity
34 to prepare the defendant's defense.

35 (e) An amendment of an ~~indictment~~ or information to include a
36 habitual offender charge under IC 35-50-2-8 must be made at least
37 thirty (30) days before the commencement of trial. However, upon a
38 showing of good cause, the court may permit the filing of a habitual
39 offender charge at any time before the commencement of the trial if the
40 amendment does not prejudice the substantial rights of the defendant.
41 If the court permits the filing of a habitual offender charge less than
42 thirty (30) days before the commencement of trial, the court shall grant



1 a continuance at the request of the:

2 (1) state, for good cause shown; or

3 (2) defendant, for any reason.

4 SECTION 94. IC 35-34-1-6 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) An indictment or
6 information is defective when:

7 (1) it does not substantially conform to the requirements of
8 section 2(a) of this chapter;

9 (2) the allegations demonstrate that the court does not have
10 jurisdiction of the offense charged; or

11 (3) the statute defining the offense charged is unconstitutional or
12 otherwise invalid.

13 (b) An information is defective if:

14 (1) the defendant was a grand jury target identified under
15 IC 35-34-2-12(a)(1);

16 (2) the offense alleged was identified on the record under
17 IC 35-34-2-12(a)(2) as an offense that the defendant allegedly
18 committed; and

19 (3) the grand jury proceeded to deliberate on whether to issue an
20 indictment, and voted not to indict the defendant for the offense
21 identified on the record under IC 35-34-2-12(a)(2).

22 However, if the prosecuting attorney shows that there is newly
23 discovered material evidence that was not presented to the grand jury
24 before the grand jury's failure to indict, then the information is not
25 defective.

26 (c) (b) Except as provided in section 5 of this chapter, an indictment
27 or information or a count thereof shall be dismissed upon motion when
28 it is defective.

29 SECTION 95. IC 35-34-1-7 IS REPEALED [EFFECTIVE JULY 1,
30 2015]. Sec. 7. An indictment shall be dismissed upon motion when the
31 grand jury proceeding which resulted in the indictment was conducted
32 in violation of IC 35-34-2.

33 SECTION 96. IC 35-34-1-8 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) A motion to
35 dismiss an indictment or information under section 4 of this chapter
36 shall be in writing. The prosecutor must be given reasonable notice of
37 a motion to dismiss. If the motion is expressly or impliedly based upon
38 the existence or occurrence of facts, the motion shall be accompanied
39 by affidavits containing sworn allegations of these facts. The sworn
40 allegations may be based upon personal knowledge of the affiant or
41 upon information and belief, provided that if in the latter event the
42 affiant discloses the sources of the information and the grounds for the



1 belief. If the motion is expressly or impliedly based upon the existence
 2 of any question of law, the motion shall be accompanied by a
 3 memorandum stating specifically the legal question in issue. The
 4 defendant may also submit documentary evidence tending to support
 5 the allegations of the motion.

6 (b) The prosecutor may:

7 (1) file with the court an answer denying or admitting any or all
 8 of the allegations of the motion; and

9 (2) submit documentary evidence tending to refute the
 10 allegations.

11 (c) After all papers of both parties have been filed, and after all
 12 documentary evidence has been submitted, the court shall determine
 13 whether, under subsections (d) and (e) of this section, a hearing is
 14 necessary to resolve questions of fact.

15 (d) The court shall grant the motion without conducting a hearing
 16 only if:

17 (1) the motion alleges a ground constituting a legal basis for the
 18 motion under section 4 of this chapter;

19 (2) the ground, if expressly or impliedly based upon the existence
 20 or occurrence of facts, is supported by sworn allegations of all
 21 facts essential to support the motion; and

22 (3) the sworn allegations of fact essential to support the motion
 23 are admitted as true by the prosecutor or are conclusively
 24 established by documentary evidence.

25 (e) The court may deny the motion without conducting a hearing
 26 only if:

27 (1) the motion does not allege a ground constituting a legal basis
 28 for the motion under section 4 of this chapter;

29 (2) the motion is expressly or impliedly based upon the existence
 30 or occurrence of facts, and the motion does not contain sworn
 31 allegations supporting all the essential facts; or

32 (3) an allegation of fact essential to support the motion is
 33 conclusively refuted by documentary evidence.

34 (f) If a hearing is necessary to resolve questions of fact, the court
 35 shall conduct a hearing and make findings of fact essential to the
 36 determination of the motion. The defendant has a right to be present
 37 and represented by counsel at the hearing but may waive this right. The
 38 defendant has the burden of proving by a preponderance of the
 39 evidence every fact essential to support the motion.

40 SECTION 97. IC 35-34-1-9 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) Two (2) or more
 42 offenses may be joined in the same indictment or information, with



each offense stated in a separate count, when the offenses:

- (1) are of the same or similar character, even if not part of a single scheme or plan; or
- (2) are based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan.

(b) Two (2) or more defendants can be joined in the same indictment or information when:

- (1) each defendant is charged with each offense included;
- (2) each of the defendants is charged as a conspirator or party to the commission of the offense and some of the defendants are also charged with one (1) or more offenses alleged to be in furtherance of the conspiracy or common scheme or plan; however, a party to the commission of an offense or conspirator need not be designated as such in the indictment or information; or
- (3) conspiracy is not charged and not all of the defendants are charged in each count, if it is alleged in the indictment or information that the offenses charged:
 - (A) were part of a common scheme or plan; or
 - (B) were so closely connected in respect to time, place, and occasion that it would be difficult to separate proof of one (1) charge from proof of the others.

SECTION 98. IC 35-34-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) When a defendant has been charged with two (2) or more offenses in two (2) or more indictments or informations and the offenses could be joined in the same indictment or information under section 9(a)(1) of this chapter, the court, upon motion of the defendant, may order that the indictments or informations be joined for trial. Such motion shall be made before commencement of trial on either of the offenses charged.

(b) When a defendant has been charged with two (2) or more offenses in two (2) or more indictments or informations and the offenses could have been joined in the same indictment or information under section ~~(9)(a)(2)~~ 9(a)(2) of this chapter, the court, upon motion of the defendant or the prosecuting attorney, or on its own motion, shall join for trial all of such indictments or informations unless the court, in the interests of justice, orders that one (1) or more of such offenses shall be tried separately. Such motion shall be made before commencement of trial on either of the offenses charged.

(c) A defendant who has been tried for one (1) offense may thereafter move to dismiss an indictment or information for an offense which could have been joined for trial with the prior offenses under section 9 of this chapter. The motion to dismiss shall be made prior to



1 the second trial, and shall be granted if the prosecution is barred by
2 reason of the former prosecution.

3 (d) A defendant who has been sentenced on a plea of guilty to one
4 (1) offense may move to dismiss an ~~indictment or~~ information for a
5 related offense. The motion shall be granted if the plea of guilty was
6 entered on the basis of a plea agreement in which the prosecutor agreed
7 to seek or not to oppose dismissal of other related offenses or not to
8 prosecute other potential related offenses.

9 (e) Subject to the provisions of section 11(a) of this chapter, two (2)
10 or more offenses which are within the jurisdiction of the same court
11 and which could have been joined in one (1) prosecution constitute
12 related offenses.

13 SECTION 99. IC 35-34-1-11 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) Whenever two
15 (2) or more offenses have been joined for trial in the same ~~indictment~~
16 ~~or~~ information solely on the ground that they are of the same or similar
17 character, the defendant shall have a right to a severance of the
18 offenses. In all other cases the court, upon motion of the defendant or
19 the prosecutor, shall grant a severance of offenses whenever the court
20 determines that severance is appropriate to promote a fair
21 determination of the defendant's guilt or innocence of each offense
22 considering:

- 23 (1) the number of offenses charged;
- 24 (2) the complexity of the evidence to be offered; and
- 25 (3) whether the trier of fact will be able to distinguish the
26 evidence and apply the law intelligently as to each offense.

27 (b) Whenever two (2) or more defendants have been joined for trial
28 in the same ~~indictment or~~ information and one (1) or more defendants
29 move for a separate trial because another defendant has made an
30 out-of-court statement which makes reference to the moving defendant
31 but is not admissible as evidence against ~~him~~, **the moving defendant**,
32 the court shall require the prosecutor to elect:

- 33 (1) a joint trial at which the statement is not admitted into
34 evidence;
- 35 (2) a joint trial at which the statement is admitted into evidence
36 only after all references to the moving defendant have been
37 effectively deleted; or
- 38 (3) a separate trial for the moving defendant.

39 In all other cases, upon motion of the defendant or the prosecutor, the
40 court shall order a separate trial of defendants whenever the court
41 determines that a separate trial is necessary to protect a defendant's
42 right to a speedy trial or is appropriate to promote a fair determination



1 of the guilt or innocence of a defendant.

2 (c) The court may order the prosecutor to disclose in camera any
3 information concerning statements made by the defendants which the
4 prosecutor intends to introduce in evidence at the trial if this
5 information would assist the court in ruling on a motion for a separate
6 trial.

7 SECTION 100. IC 35-34-1-13 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. (a) Upon motion of
9 the prosecuting attorney, the court shall order the dismissal of the
10 ~~indictment or~~ information. The motion may be made at any time before
11 sentencing and may be made on the record or in writing. The motion
12 shall state the reason for dismissal.

13 (b) In any case where an order sustaining a motion to dismiss would
14 otherwise constitute a bar to further prosecution of the crime charged,
15 unless the defendant objects to dismissal, the granting of the motion
16 does not bar a subsequent trial of the defendant on the offense charged.

17 SECTION 101. IC 35-34-1-14 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 14. In any ~~indictment~~
19 ~~or~~ information, an averment substantially in compliance with the
20 provisions of this section shall be sufficient.

21 (a) The age of the defendant or the victim need not be alleged,
22 except where the age of the defendant or the victim is an essential
23 element of the offense charged.

24 (b) Averments as to any money or bills or notes or postal orders
25 issued by any lawful authority and intended to pass and circulate as
26 money are sufficient to be alleged simply as money without further
27 identification.

28 (c) It is sufficient to describe a written instrument by any name or
29 designation by which it is usually known or to aver generally the
30 contents of such instrument.

31 (d) Averments of dates and numbers may be by words or figures or
32 both.

33 SECTION 102. IC 35-34-1-15 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 15. (a) If the stated
35 name of the defendant in the ~~indictment or~~ information is incorrect:

36 (1) this defect shall not be a ground for dismissal of the
37 ~~indictment or~~ information; and

38 (2) any variance between the allegations and the proof of the
39 defendant's name shall not be considered material.

40 (b) If at any time during the proceedings the true name of the
41 defendant becomes known, the court shall order the ~~indictment or~~
42 information amended to show both the name by which the defendant



1 was first charged and the name later alleged to be true.

2 SECTION 103. IC 35-34-1-16 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. (a) In an ~~indictment~~
4 ~~or~~ information for perjury, it is necessary to set forth only:

5 (1) the substance of the controversy or the matter in respect to
6 which the alleged offense was committed; and

7 (2) in what court or before whom the false statement was made.

8 It is not necessary to set forth any part of any record or proceeding, or
9 the commission or authority of the court or person before whom the
10 perjury was allegedly committed.

11 (b) In an ~~indictment or~~ information for perjury, in swearing to any
12 written instrument, it is necessary to set forth only that part of the
13 instrument alleged to have been falsely sworn to, and to negative the
14 same, with the name of the officer or court before whom the instrument
15 was sworn.

16 SECTION 104. IC 35-34-1-17 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 17. When an
18 instrument which is the subject of an ~~indictment or~~ information for
19 forgery has been destroyed, or is withheld by the act or procurement of
20 the defendant, and the fact of the destruction or withholding is alleged
21 in the ~~indictment or~~ information, and established at trial, the
22 misdescription of the instrument is immaterial.

23 SECTION 105. IC 35-34-1-18 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 18. The ~~indictment or~~
25 information for an offense which was committed upon or in relation to
26 any property belonging to partners, or to several joint owners, or
27 property which, when the offense was committed, was in possession of
28 a bailee or tenant, is sufficient if ~~it~~ **the information** alleges the
29 ownership of the property to be in the name of:

30 (1) the partnership or any partner;

31 (2) an owner;

32 (3) a bailor;

33 (4) a bailee; or

34 (5) a tenant.

35 SECTION 106. IC 35-34-1-19 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 19. The words used in
37 an ~~indictment or~~ information shall be construed using their ordinary
38 and common meaning, except words and phrases defined by law, which
39 are to be construed according to their legal meaning.

40 SECTION 107. IC 35-34-2 IS REPEALED [EFFECTIVE JULY 1,
41 2015]. (Grand Jury and Special Grand Jury).

42 SECTION 108. IC 35-35-2-1 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) Pleadings in
2 criminal proceedings are:

3 ~~(1) an indictment;~~

4 ~~(2) (1) an information; and~~

5 ~~(3) (2) pleas of:~~

6 (A) not guilty;

7 (B) guilty; and

8 (C) guilty but mentally ill at the time of the crime.

9 Defenses and objections raised before trial which, before July 26, 1973,
10 could have been raised by a plea in abatement, a plea in bar, a
11 demurrer, a motion to quash, or any other plea not specifically allowed
12 under this subsection may be raised only by motion to dismiss or to
13 grant appropriate relief as provided in this title.

14 (b) Except as provided in this title, an application to the court for an
15 order must be by motion. A motion other than one made during a trial
16 or hearing must be in writing unless the court permits it to be made
17 orally. It must state the grounds upon which it is made and set forth the
18 relief or order sought. It may be supported by affidavit.

19 (c) Except as provided in this title, whenever the defendant files a
20 motion, the state may file an answer to that motion. If no answer is filed
21 by the state, all issues of fact and law raised by the motion stand at
22 issue and the court shall proceed.

23 SECTION 109. IC 35-36-2-2, AS AMENDED BY P.L.54-2014,
24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2015]: Sec. 2. (a) At the trial of a criminal case in which the
26 defendant intends to interpose the defense of insanity, evidence may be
27 introduced to prove the defendant's sanity or insanity at the time at
28 which the defendant is alleged to have committed the offense charged
29 in the indictment or information.

30 (b) When notice of an insanity defense is filed in a case in which the
31 defendant is not charged with a homicide offense under IC 35-42-1, the
32 court shall appoint two (2) or three (3) competent disinterested:

33 (1) psychiatrists;

34 (2) psychologists endorsed by the state psychology board as
35 health service providers in psychology; or

36 (3) physicians;

37 who have expertise in determining insanity. At least one (1) of the
38 individuals appointed under this subsection must be a psychiatrist or
39 psychologist. The individuals appointed under this subsection shall
40 examine the defendant and testify at the trial. This testimony shall
41 follow the presentation of the evidence for the prosecution and for the
42 defense, including the testimony of any mental health experts employed



1 by the state or by the defense.

2 (c) When notice of an insanity defense is filed in a case in which the
3 defendant is charged with a homicide offense under IC 35-42-1, the
4 court shall appoint two (2) or three (3) competent disinterested:

5 (1) psychiatrists;

6 (2) psychologists endorsed by the state psychology board as
7 health service providers in psychology; or

8 (3) physicians;

9 who have expertise in determining insanity. At least one (1) individual
10 appointed under this subsection must be a psychiatrist and at least one
11 (1) individual appointed under this subsection must be a psychologist.
12 The individuals appointed under this subsection shall examine the
13 defendant and testify at the trial. This testimony must follow the
14 presentation of the evidence for the prosecution and for the defense,
15 including the testimony of any mental health experts employed by the
16 state or by the defense.

17 (d) If a defendant does not adequately communicate, participate, and
18 cooperate with the mental health witnesses appointed by the court after
19 being ordered to do so by the court, the defendant may not present as
20 evidence the testimony of any other mental health witness:

21 (1) with whom the defendant adequately communicated,
22 participated, and cooperated; and

23 (2) whose opinion is based upon examinations of the defendant;
24 unless the defendant shows by a preponderance of the evidence that the
25 defendant's failure to communicate, participate, or cooperate with the
26 mental health witnesses appointed by the court was caused by the
27 defendant's mental illness.

28 (e) The mental health witnesses appointed by the court may be
29 cross-examined by both the prosecution and the defense, and each side
30 may introduce evidence in rebuttal to the testimony of a mental health
31 witness.

32 SECTION 110. IC 35-36-4-2 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) When a
34 defendant files a notice of alibi, the prosecuting attorney shall file with
35 the court and serve upon the defendant, or upon ~~his~~ **the defendant's**
36 counsel, a specific statement containing:

37 (1) the date the defendant was alleged to have committed the
38 crime; and

39 (2) the exact place where the defendant was alleged to have
40 committed the crime;

41 that ~~he~~ **the prosecuting attorney** intends to present at trial. However,
42 the prosecuting attorney need not comply with this requirement if ~~he~~



1 **the prosecuting attorney** intends to present at trial the date and place
 2 listed in the ~~indictment~~ or information as the date and place of the
 3 crime.

4 (b) If a reply by the prosecuting attorney is required by subsection
 5 (a), ~~of this section~~ the prosecuting attorney shall serve such a statement
 6 upon the defendant, or ~~his~~ **the defendant's** counsel, within seven (7)
 7 days after the filing of the defendant's first notice of alibi.

8 (c) If the prosecuting attorney's statement to the defendant contains
 9 a date or place other than the date or place stated in the defendant's
 10 original statement, the defendant shall file a second statement of alibi
 11 if the defendant intends to produce at trial evidence of an alibi for the
 12 date or place contained in the prosecutor's statement. The defendant
 13 shall:

14 (1) file the second statement with the court; and

15 (2) serve the second statement upon the prosecuting attorney;
 16 within four (4) days after the filing of the prosecuting attorney's
 17 statement. The defendant's second statement must contain the same
 18 details required in the defendant's original statement.

19 SECTION 111. IC 35-36-4-3 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) If either the
 21 defendant or the prosecuting attorney fails to file or serve statements
 22 in accordance with section 2 of this chapter, the judge may extend the
 23 time for filing.

24 (b) If at the trial it appears that the defendant has failed to file and
 25 serve an original statement of alibi in accordance with section 1 of this
 26 chapter, and if the defendant does not show good cause for ~~his~~ **the**
 27 **defendant's** failure, then the court shall exclude evidence offered by
 28 the defendant to establish an alibi.

29 (c) If at the trial it appears that the prosecuting attorney has failed
 30 to file and serve ~~his~~ **the prosecuting attorney's** statement in
 31 accordance with section 2(a) of this chapter, and if the prosecuting
 32 attorney does not show good cause for ~~his~~ **the** failure, then the court
 33 shall exclude evidence offered by the prosecuting attorney to show:

34 (1) that the defendant was at a place other than the place stated in
 35 the information; ~~or indictment~~ and

36 (2) that the date was other than the date stated in the information.
 37 ~~or indictment.~~

38 (d) If at the trial it appears that the defendant has failed to file and
 39 serve a second statement in accordance with section 2(c) of this
 40 chapter, and if the defendant does not show good cause for ~~his~~ **the**
 41 failure, then the court shall exclude evidence offered by the defendant
 42 to establish that:



(1) ~~he the defendant~~ was at a place other than the place specified in the prosecuting attorney's statement; or

(2) the date was other than the date stated in the prosecuting attorney's statement.

SECTION 112. IC 35-36-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. After a change of venue, the cause shall be docketed and stand for trial. The court to which the case has been venued shall proceed in all respects as if the ~~indictment had been found and returned by a grand jury impaneled in that court; or as if the~~ information had been originally filed in that court.

SECTION 113. IC 35-36-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. If on a new prosecution a defendant is prosecuted for the offense in the court to which the change of venue was taken, ~~a new indictment may be found; or~~ a new information may be filed and the case may be prosecuted to final execution as if the offense had been committed in the county of that court. However, the ~~indictment or~~ information in such a case must state how the proceeding came into the court where the party elects to be tried, and that ~~he the party~~ has elected to be tried in that county.

SECTION 114. IC 35-36-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) A prosecuting attorney may move to postpone the trial of a criminal cause because of the absence of a witness whose name is endorsed on the ~~indictment or~~ information, if ~~he the prosecuting attorney~~ makes an official statement:

(1) containing the requirements of ~~subsections (b)(1) and (b)(2) of section 1~~ **section 1(b)(1) and 1(b)(2)** of this chapter;

(2) showing that the absence of the witness has not been procured by the act of the prosecuting attorney;

(3) stating the facts to which ~~he the prosecuting attorney~~ believes the witness will testify, and include a statement that ~~he the prosecuting attorney~~ believes these facts to be true; and

(4) stating that the prosecuting attorney is unable to prove the facts specified in accordance with subdivision (3) through the use of any other witness whose testimony can be as readily procured.

Upon request of the defendant the court shall order that the prosecuting attorney's motion and official statement be made in writing.

(b) The trial may not be postponed if:

(1) after a motion by the prosecuting attorney because of the absence of a witness, the defendant admits that the absent witness would testify to the facts as alleged by the prosecuting attorney in



1 **his the prosecuting attorney's** official statement in accordance
 2 with subsection (a)(3); or
 3 (2) after a motion by the prosecuting attorney to postpone because
 4 of the absence of written or documentary evidence, the defendant
 5 admits that the written or documentary evidence exists.

6 SECTION 115. IC 35-36-8-3 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) A pretrial hearing
 8 and pretrial conference, if one is necessary, may be held on the
 9 omnibus date or any other date that the court designates prior to the
 10 commencement of trial. The purpose of the pretrial hearing is to:

- 11 (1) consolidate hearings on pretrial motions and other requests to
- 12 the maximum extent practicable;
- 13 (2) rule on the motions and requests and ascertain whether the
- 14 case will be disposed of by guilty plea, jury trial, or bench trial;
- 15 and
- 16 (3) make any other orders appropriate under the circumstances to
- 17 expedite the proceedings.

18 (b) At the time of the pretrial hearing as provided under this section,
 19 or at any other time after the filing of the ~~indictment~~ or information and
 20 before the commencement of trial, the court, upon motion of any party
 21 or upon its own motion, may order conferences to consider any matters
 22 that will promote a fair and expeditious trial. The purpose of such a
 23 conference shall be to consider any matters related to the disposition of
 24 the proceedings, including the simplification of the issues to be tried
 25 and the possibility of obtaining admissions of fact and of documents
 26 which will avoid unnecessary proof.

27 (c) At the conclusion of the conference the court shall prepare and
 28 file a memorandum of the matters agreed upon. Any admission made
 29 by the defendant or **his the defendant's** attorney at the conference may
 30 not be used against the defendant unless the admission is reduced to
 31 writing and signed by the defendant and **his the defendant's** attorney.

32 SECTION 116. IC 35-37-1-5 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The following are
 34 good causes for challenge to any person called as a juror in any
 35 criminal trial:

- 36 (1) That the person was a member of the grand jury that found the
- 37 indictment **(before grand juries were abolished).**
- 38 (2) That the person has formed or expressed an opinion as to the
- 39 guilt or innocence of the defendant. However, such an opinion is
- 40 subject to subsection (b).
- 41 (3) If the state is seeking a death sentence, that the person
- 42 entertains such conscientious opinions as would preclude the



person from recommending that the death penalty be imposed.

(4) That the person is related within the fifth degree to the person alleged to be the victim of the offense charged, to the person on whose complaint the prosecution was instituted, or to the defendant.

(5) That the person has served on a trial jury which was sworn in the same case against the same defendant, and which jury was discharged after hearing the evidence, or rendered a verdict which was set aside.

(6) That the person served as a juror in a civil case brought against the defendant for the same act.

(7) That the person has been subpoenaed in good faith as a witness in the case.

(8) That the person is a mentally incompetent person.

(9) That the person is an alien.

(10) That the person has been called to sit on the jury at the person's own solicitation or that of another.

(11) That the person is biased or prejudiced for or against the defendant.

(12) That the person does not have the qualifications for a juror prescribed by law.

(13) That, from defective sight or hearing, ignorance of the English language, or other cause, the person is unable to comprehend the evidence and the instructions of the court.

(14) That the person has a personal interest in the result of the trial.

(15) If the person is not a member of the regular panel, that the person has served on a jury within twelve (12) months immediately preceding the trial.

(b) If a person called as a juror states that the person has formed or expressed an opinion as to the guilt or innocence of the defendant, the court or the parties shall proceed to examine the juror on oath as to the grounds of the juror's opinion. If the juror's opinion appears to have been founded upon reading newspaper statements, communications, comments, reports, rumors, or hearsay, and if:

(1) the juror's opinion appears not to have been founded upon:

(A) conversation with a witness of the transaction;

(B) reading reports of a ~~witness~~ **witness's** testimony; or

(C) hearing a witness testify;

(2) the juror states on oath that the juror feels able, notwithstanding the juror's opinion, to render an impartial verdict upon the law and evidence; and



(3) the court is satisfied that the juror will render an impartial verdict;

the court may admit the juror as competent to serve in the case.

SECTION 117. IC 35-37-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) If a witness, in any hearing or trial occurring after an indictment or information has been filed, refuses to answer any question or produce any item, the court shall remove the jury, if one is present, and immediately conduct a hearing on the witness's refusal. After such a hearing, the court shall decide whether the witness is required to answer the question or produce the item.

(b) If the prosecuting attorney has reason to believe that a witness will refuse to answer a question or produce an item during any criminal trial, the prosecuting attorney may submit the question or request to the trial court. The court shall hold a hearing to determine if the witness may refuse to answer the question or produce the item.

SECTION 118. IC 35-37-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. As used in this chapter:

"State" includes any territory of the United States and the District of Columbia.

"Subpoena" includes a summons in any state where a summons is used in lieu of a subpoena.

"Witness" shall include a person whose testimony is desired in any proceeding or investigation by a grand jury or in a criminal action, prosecution, or proceeding.

SECTION 119. IC 35-37-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. When:

(1) a criminal action is pending in a court of record of this state by reason of an indictment information or affidavit; or by reason of the commencement of a grand jury proceeding or investigation;

(2) there is reasonable cause to believe that a person confined in a federal prison or other federal custody, either within or outside this state, possesses information material to such criminal action; and

(3) the attendance of such person as a witness in such action is desired by a party;

the court may issue a certificate, known as a writ of habeas corpus ad testificandum, addressed to the attorney general of the United States, certifying all such facts and requesting the attorney general of the United States to cause the attendance of such person as a witness in such court for a specified number of days. Such a certificate may be



1 issued upon application of either the state or a defendant demonstrating
 2 all facts specified in subdivision (1). Upon issuing such a certificate,
 3 the court may deliver it, or cause or authorize it to be delivered, to the
 4 attorney general of the United States or to ~~his~~ **the attorney general's**
 5 representative authorized to entertain the request.

6 SECTION 120. IC 35-38-4-2 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. Appeals to the
 8 supreme court or to the court of appeals, if the court rules so provide,
 9 may be taken by the state in the following cases:

10 (1) From an order granting a motion to dismiss an ~~indictment or~~
 11 information.

12 (2) From an order or judgment for the defendant, upon ~~his the~~
 13 **defendant's** motion for discharge because of delay of ~~his the~~
 14 **defendant's** trial not caused by ~~his the defendant's~~ act, or upon
 15 ~~his the defendant's~~ plea of former jeopardy, presented and ruled
 16 upon prior to trial.

17 (3) From an order granting a motion to correct errors.

18 (4) Upon a question reserved by the state, if the defendant is
 19 acquitted.

20 (5) From an order granting a motion to suppress evidence, if the
 21 ultimate effect of the order is to preclude further prosecution.

22 (6) From any interlocutory order if the trial court certifies and the
 23 court on appeal or a judge thereof finds on petition that:

24 (A) the appellant will suffer substantial expense, damage, or
 25 injury if the order is erroneous and the determination thereof
 26 is withheld until after judgment;

27 (B) the order involves a substantial question of law, the early
 28 determination of which will promote a more orderly
 29 disposition of the case; or

30 (C) the remedy by appeal after judgment is otherwise
 31 inadequate.

32 SECTION 121. IC 35-40-4-2 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. "Accused" means
 34 that an ~~indictment or~~ information charging a person with a crime or a
 35 petition alleging that a child is a delinquent child has been filed.

36 SECTION 122. IC 35-40-4-7 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. "Public court
 38 proceeding" means a hearing, an argument, or another matter scheduled
 39 by and held before a trial court. The term does not include:

40 (1) a deposition;

41 (2) a lineup; **or**

42 ~~(3) a grand jury proceeding; or~~



1 ~~(4)~~ (3) any other procedure not held in the presence of a court
2 having jurisdiction.

3 SECTION 123. IC 35-41-4-2, AS AMENDED BY P.L.168-2014,
4 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2015]: Sec. 2. (a) Except as otherwise provided in this section,
6 a prosecution for an offense is barred unless it is commenced:

- 7 (1) within five (5) years after the commission of the offense, in
8 the case of a Class B, Class C, or Class D felony (for a crime
9 committed before July 1, 2014) or a Level 3, Level 4, Level 5, or
10 Level 6 felony (for a crime committed after June 30, 2014); or
11 (2) within two (2) years after the commission of the offense, in the
12 case of a misdemeanor.

13 (b) A prosecution for a Class B or Class C felony (for a crime
14 committed before July 1, 2014) or a Level 3, Level 4, or Level 5 felony
15 (for a crime committed after June 30, 2014) that would otherwise be
16 barred under this section may be commenced within one (1) year after
17 the earlier of the date on which the state:

- 18 (1) first discovers evidence sufficient to charge the offender with
19 the offense through DNA (deoxyribonucleic acid) analysis; or
20 (2) could have discovered evidence sufficient to charge the
21 offender with the offense through DNA (deoxyribonucleic acid)
22 analysis by the exercise of due diligence.

23 (c) A prosecution for a Class A felony (for a crime committed
24 before July 1, 2014) or a Level 1 felony or Level 2 felony (for a crime
25 committed after June 30, 2014) may be commenced at any time.

26 (d) A prosecution for murder may be commenced:

- 27 (1) at any time; and
28 (2) regardless of the amount of time that passes between:
29 (A) the date a person allegedly commits the elements of
30 murder; and
31 (B) the date the alleged victim of the murder dies.

32 (e) A prosecution for the following offenses is barred unless
33 commenced before the date that the alleged victim of the offense
34 reaches thirty-one (31) years of age:

- 35 (1) IC 35-42-4-3(a) (Child molesting).
36 (2) IC 35-42-4-5 (Vicarious sexual gratification).
37 (3) IC 35-42-4-6 (Child solicitation).
38 (4) IC 35-42-4-7 (Child seduction).
39 (5) IC 35-46-1-3 (Incest).

40 (f) A prosecution for forgery of an instrument for payment of
41 money, or for the uttering of a forged instrument, under IC 35-43-5-2,
42 is barred unless it is commenced within five (5) years after the maturity



1 of the instrument.

2 (g) If a complaint ~~indictment~~, or information is dismissed because
3 of an error, defect, insufficiency, or irregularity, a new prosecution may
4 be commenced within ninety (90) days after the dismissal even if the
5 period of limitation has expired at the time of dismissal, or will expire
6 within ninety (90) days after the dismissal.

7 (h) The period within which a prosecution must be commenced does
8 not include any period in which:

9 (1) the accused person is not usually and publicly resident in
10 Indiana or so conceals himself or herself that process cannot be
11 served;

12 (2) the accused person conceals evidence of the offense, and
13 evidence sufficient to charge the person with that offense is
14 unknown to the prosecuting authority and could not have been
15 discovered by that authority by exercise of due diligence; or

16 (3) the accused person is a person elected or appointed to office
17 under statute or constitution, if the offense charged is theft or
18 conversion of public funds or bribery while in public office.

19 (i) For purposes of tolling the period of limitation only, a
20 prosecution is considered commenced on the earliest of ~~these the~~
21 **following** dates:

22 (1) The date of filing of an ~~indictment~~, information or complaint
23 before a court having jurisdiction.

24 (2) The date of issuance of a valid arrest warrant.

25 (3) The date of arrest of the accused person by a law enforcement
26 officer without a warrant, if the officer has authority to make the
27 arrest.

28 (j) A prosecution is considered timely commenced for any offense
29 to which the defendant enters a plea of guilty, notwithstanding that the
30 period of limitation has expired.

31 (k) The following apply to the specified offenses:

32 (1) A prosecution for an offense under IC 30-2-9-7(b) (misuse of
33 funeral trust funds) is barred unless commenced within five (5)
34 years after the date of death of the settlor (as described in
35 IC 30-2-9).

36 (2) A prosecution for an offense under IC 30-2-10-9(b) (misuse
37 of funeral trust funds) is barred unless commenced within five (5)
38 years after the date of death of the settlor (as described in
39 IC 30-2-10).

40 (3) A prosecution for an offense under IC 30-2-13-38(f) (misuse
41 of funeral trust or escrow account funds) is barred unless
42 commenced within five (5) years after the date of death of the



- 1 purchaser (as defined in IC 30-2-13-9).
- 2 (l) A prosecution for an offense under IC 23-14-48-9 is barred
- 3 unless commenced within five (5) years after the earlier of the date on
- 4 which the state:
- 5 (1) first discovers evidence sufficient to charge the offender with
- 6 the offense; or
- 7 (2) could have discovered evidence sufficient to charge the
- 8 offender with the offense by the exercise of due diligence.
- 9 (m) A prosecution for a sex offense listed in IC 11-8-8-4.5 that is
- 10 committed against a child and that is not:
- 11 (1) a Class A felony (for a crime committed before July 1, 2014)
- 12 or a Level 1 felony or Level 2 felony (for a crime committed after
- 13 June 30, 2014); or
- 14 (2) listed in subsection (e);
- 15 is barred unless commenced within ten (10) years after the commission
- 16 of the offense, or within four (4) years after the person ceases to be a
- 17 dependent of the person alleged to have committed the offense,
- 18 whichever occurs later.
- 19 SECTION 124. IC 35-44.1-2-1, AS AMENDED BY P.L.158-2013,
- 20 SECTION 501, IS AMENDED TO READ AS FOLLOWS
- 21 [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) A person who:
- 22 (1) makes a false, material statement under oath or affirmation,
- 23 knowing the statement to be false or not believing it to be true; or
- 24 (2) has knowingly made two (2) or more material statements, in
- 25 a proceeding before a court or grand jury (**before the abolition of**
- 26 **grand juries**), which are inconsistent to the degree that one (1) of
- 27 them is necessarily false;
- 28 commits perjury, a Level 6 felony.
- 29 (b) In a prosecution under subsection (a)(2):
- 30 (1) the ~~indictment~~ or information need not specify which
- 31 statement is actually false; and
- 32 (2) the falsity of a statement may be established sufficiently for
- 33 conviction by proof that the defendant made irreconcilably
- 34 contradictory statements which are material to the point in
- 35 question.
- 36 SECTION 125. IC 35-44.1-2-4, AS ADDED BY P.L.126-2012,
- 37 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 38 JULY 1, 2015]: Sec. 4. (a) A person who:
- 39 (1) with intent to mislead public servants;
- 40 (2) in a five (5) year period; and
- 41 (3) in one (1) or more official proceedings or investigations;
- 42 has knowingly made at least two (2) material statements concerning the



1 person's identity that are inconsistent to the degree that one (1) of them
 2 is necessarily false commits false identity statement, a Class A
 3 misdemeanor.

4 (b) It is a defense to a prosecution under this section that the
 5 material statements that are the basis of a prosecution under subsection
 6 (a) concerning the person's identity are accurate or were accurate in the
 7 past.

8 (c) In a prosecution under subsection (a):

9 (1) the ~~indictment~~ or information need not specify which
 10 statement is actually false; and

11 (2) the falsity of a statement may be established sufficiently for
 12 conviction by proof that the defendant made irreconcilably
 13 contradictory statements concerning the person's identity.

14 SECTION 126. IC 35-46-2-2 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. A public servant
 16 having the duty to select or summon persons for ~~grand jury~~ or trial jury
 17 service who knowingly or intentionally fails to select or summon a
 18 person because of color, creed, disability, national origin, race, religion,
 19 or sex commits discrimination in jury selection, a Class A
 20 misdemeanor.

21 SECTION 127. IC 35-47-2-24 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 24. (a) In an
 23 information ~~or indictment~~ brought for the enforcement of any provision
 24 of this chapter, it is not necessary to negate any exemption specified
 25 under this chapter, or to allege the absence of a license required under
 26 this chapter. The burden of proof is on the defendant to prove that ~~he~~
 27 **the defendant** is exempt under section 2 of this chapter, or that ~~he~~ **the**
 28 **defendant** has a license as required under this chapter.

29 (b) Whenever a person who has been arrested or charged with a
 30 violation of section 1 of this chapter presents a valid license to the
 31 prosecuting attorney or establishes that ~~he~~ **the person** is exempt under
 32 section 2 of this chapter, any prosecution for a violation of section 1 of
 33 this chapter shall be dismissed immediately, and all records of an arrest
 34 or proceedings following arrest shall be destroyed immediately.

35 SECTION 128. IC 36-1-17-3, AS ADDED BY P.L.128-2005,
 36 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2015]: Sec. 3. (a) An officer or employee of a unit or
 38 municipal corporation who is charged with:

39 (1) a crime; or

40 (2) an infraction;

41 relating to an act that was within the scope of the official duties of the
 42 officer or employee may apply to the fiscal body of the unit or



1 municipal corporation for reimbursement of reasonable and
 2 customarily charged expenses incurred in the officer's or employee's
 3 defense against those charges, if all charges have been dismissed or the
 4 officer or employee has been found not guilty of all charges. The fiscal
 5 body of the unit or municipal corporation shall reimburse the officer or
 6 employee for reasonable and customarily charged expenses, as
 7 determined by the fiscal body of the unit or municipal corporation,
 8 incurred in the officer's or employee's defense against those charges, if
 9 all charges have been dismissed or the officer or employee has been
 10 found not guilty of all charges.

11 ~~(b) An officer or employee of a unit or municipal corporation who~~
 12 ~~is the target of a grand jury investigation may apply to the fiscal body~~
 13 ~~of the unit or municipal corporation for reimbursement of reasonable~~
 14 ~~and customarily charged expenses incurred by the officer or employee~~
 15 ~~resulting from the grand jury investigation; if the grand jury fails to~~
 16 ~~indict the officer or employee and the acts investigated by the grand~~
 17 ~~jury were within the scope of the official duties of the officer or~~
 18 ~~employee. The fiscal body of the unit or municipal corporation shall~~
 19 ~~reimburse the officer or employee for reasonable and customarily~~
 20 ~~charged expenses; as determined by the fiscal body of the unit or~~
 21 ~~municipal corporation; incurred by the officer or employee as a result~~
 22 ~~of the grand jury investigation; if the grand jury fails to indict the~~
 23 ~~officer or employee.~~

24 ~~(c)~~ (b) An officer or employee of a unit or municipal corporation
 25 who is the defendant in a civil action described in section 2(1)(B)(i)
 26 through section 2(1)(B)(viii) of this chapter and brought by a person
 27 described in section 2(1)(B) of this chapter that involves an action
 28 within the scope of the official duties of the officer or employee may
 29 apply to the fiscal body of the unit or municipal corporation for
 30 reimbursement of reasonable and customarily charged expenses
 31 incurred in the officer's or employee's defense in the civil action. The
 32 fiscal body of the unit or municipal corporation shall reimburse the
 33 officer or employee for reasonable and customarily charged expenses
 34 incurred in the officer's or employee's defense against the civil action
 35 if:

36 (1) all claims that formed the basis of the civil action have been
 37 dismissed; or

38 (2) a judgment is rendered in favor of the officer or employee on
 39 all counts in the civil action.

